

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23298 of 2017

Arising Out of PS.Case No. -192 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

=====

1. MASUM RAJA @ RAJA & MASUM REZA, Son of Aasur Rahman,
2. Sadre Alam @ Munna, Son of Sheikh Sabir Ahmad
3. Saddam Hussain @ Sadam Husain
4. Faisal Ali @ Faisal Alam @ Fizal Alam Both sons of Sheikh Sanullah @
Sanaullah @ Gona, All resident of Village- Sabeya, P.S.- Ram Nagar,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioners are languishing in judicial custody since
19.08.2016 in a case registered for offences punishable under
Sections 147, 148, 149, 341, 323, 307, 354, 504, 508, 302 of the
Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that the petitioners along with other co-accused tried to outrage of
modesty of one Johari Begum and on resistance, the father-in-
law, Anwarul was inflicted blows by lathi, danda and katta,
subsequently, the said Anwarul died.



It has been submitted by the learned counsel for the petitioner that they are innocent and there are general and omnibus allegation against them and some of the co-accused have since been granted the privilege of bail by the learned Court below as well as by this Court in Cr. Misc. No. 45337 of 2016 dated 26.11.2016. He submits that there is no specific allegation against these petitioners and the post mortem report specifies injuries by hard and blunt substance.

However, learned counsel for the informant submits that the petitioners were the main assailant and as stated by the victim lady as per recorded statement under Section 164 Cr. P. C. as well as Section 161 Cr. P. C. The victim girl stated under Section 164 Cr. P. C. in Court that the petitioner assaulted her father-in-law with lathi, danda and Kattas etc. Sk. Anwarul was brutally assaulted, as is evident from paras-59 of the case diary. The post Mortem report also specifies the injuries caused by hard and blunt substance, which is the reason of death of her father-in-law.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Considering the facts and materials on record, I am



not inclined to grant the privilege of bail to the petitioners.

The bail application of the petitioners is hereby rejected.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

