

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21971 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -JOKIHAT District- ARRARIA

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Hassan Reza, Son of Hasibur Rahman R/o Village- Ghormara, P.S. Jokihat Mahalgaon, Distt Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No. 20817 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -JOKIHAT District- ARRARIA

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Md. Eklakh @ Eklakh Son of Late Jahiruddin, Resident of Village- Ghormara, P.S.- Mahalgaon, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.21971 of 2017)

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. Arun Kumar Pandey

(In Cr.Misc. No.20817 of 2017)

For the Petitioner/s : Mr. N.K.Agrawal

Mr. D.N.Tiwari

For the Opposite Party/s : Mr. Manoj Kumar-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 05-07-2017 Earlier, the prayer for bail of the petitioner of both the cases was rejected by order dated 20-10-2016 passed in Cr. Misc. No. 43128 of 2016, keeping in view the fact that against both the petitioners, there was specific accusation.

In first case i.e. Cr. Misc. No. 21971 of 2017, this



Court, by its order dated 10-05-2017, summoned report from the court below regarding stage of the case, which has been received and kept at flag 'X'. The report suggests that in the case, charge has already been framed and case is fixed for evidence.

However, learned counsel for the petitioner(s), by way of referring to an order dated 19-04-2017 passed in Cr. Misc. No. 18075 of 2017, has argued that co-accused Md. Hasibur Rahman @ Muddy has been granted bail by a Bench of this Court. He submits that against him, there was accusation of giving shot blow on the deceased, whereas against petitioners, there is no allegation of giving any assault on the deceased. Learned Addl. Public Prosecutor as well as Sri Jitendra Kumar Pandey, learned counsel for the informant have opposed the prayer for grant of bail, on the plea that trial has already commenced after framing of the charges, however; they were not in a position to dispute the fact that accused, against whom there was serious accusation than the petitioners, has already been granted bail by order dated 19-04-2017 passed in Cr. Misc. No. 18075 of 2017.

Considering the fact that co-accused, against whom there was serious accusation, has already been granted bail, on the point of parity, petitioner of both the cases is also entitled for same privilege.



Accordingly, both the petitioners namely Hassan Reza and Md. Eklakh @ Eklakh are directed to be released on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria/learned Add. Sessions Judge – I, Araria/concerned court in connection with Jokihat (Mahalgan) P.S. Case No. 221 of 2016, with condition that one of the bailor must be blood relation of the petitioner(s) and secondly, during trial, petitioner(s) shall remain physically present on each and every date. If continuously on two dates, without prior permission of the trial court, petitioner(s) remain absent, their bail-bonds shall stand automatically cancelled.

(Rakesh Kumar, J.)

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