

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11068 of 2017

Arising Out of PS.Case No. -771 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Intesarul Haque,
2. Ragib Hussain @ Raghieb Hussain, Both are son of S.K. Sabir, Resident
of Village- Jaisinghpur, Ratwa Tola, P.S.- Turkauliya, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 26-07-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

This is the second round of litigation by which earlier bail
application of the petitioners was rejected on 10.05.2016 in Cr.
Misc. No. 18031 of 2016.

The petitioners apprehend their arrest in connection with
Turkauliya P.S.Case No. 771 of 2015 for the offences alleged
under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 120 (B)
of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case as lodged by the informant is that
accused persons variously armed with farsa, Garasa, gun and lathi



came and started assaulting the persons present there and as a result of indiscriminate assault, son of the informant received injuries and later succumbed to the injuries. The informant has further alleged that when the deceased fell on the ground, all the accused persons assaulted indiscriminately with weapons in their hands.

It has been submitted by the learned counsel for the petitioner that as many as 25 persons came before the informant and his family members and resorted to indiscriminate assault. He further submits that there is specific allegation against the petitioner no. 1 of hitting the leg of the deceased, which was not on the vital part and the petitioner No. 2 hitting on the head of Siraj by Bhala, which has been found to be simple in nature, caused by blunt object. It is further submitted that the allegation is of assault on the head on which the son of the informant succumbed to the injury, which resulted in the death of the informant's son hence Section 302 of the Indian Penal Code is not applicable against them as it was caused by other co-accused. It is further submitted that the petitioners are ready to co-operate in the trial and appear before the learned Court below as and when required.

However, learned A.P.P. for the State submits that the



petitioners are named in the F.I.R. and due to property dispute, both sides are of inimical terms and a case and counter case of assault resulted in the death of the informant's son, hence , opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari in connection with Turkauliya P.S.Case No. 771 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P. C. and subject to the conditions that one of the bailors would be a close relative of the petitioners and the petitioners will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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