

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37106 of 2017

Arising Out of PS.Case No. -209 Year- 2017 Thana -NAWADA District- NAWADA

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1. Md. Guddu, Son of Late Md. Nazir,
2. Md. Nawab, Son of Late Md. Nazir,
3. Md. Kausar, Son of Md. Qurban,
All are R/o Village- Shekhawat Bagh, P.S.- Nawadah, District-
Nawadah.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur
Mr. Pravin Kumar, Advocates.
For the State : Mr. Zainul Abedin, APP
For the Informant : Mr. Krishna Deo Raj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-102017 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 29.05.2017 in connection with Nawada Town P.S. Case No. 209 of 2017 for the offences alleged under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated and the accusations are belied from the post mortem report which does not disclose any injury on the stomach and testicle of the deceased. The *fardbeyan* is said to have been recorded at 2:00 p.m. on 09.04.2017 and the inquest is also shown to have been prepared at 2:00 p.m. on 09.04.2017, which casts



doubt on the veracity of the allegations. It is submitted that the accusations of assault are not supported by the post mortem report.

4. A perusal of paragraph-53 of the case diary wherein the details of the post mortem report have been recorded does not disclose the injury on the stomach and testicle of the deceased to support the accusations in the F.I.R. The cause of death stated as “shock due to above noted injuries caused by forceful rotation of head and neck”.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada Town P.S. Case No. 209 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason,



their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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