

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41575 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Md. Meraj Alam, son of Late Gani Mallick
2. Md. Habib, son of Late Kabir Mallick Both Resident of Village- Upardih
(Bhatbigha), P.S.- Sirdalla, District- Nawadah.

.... Petitioners/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-09-2017 The petitioners seek regular bail in connection with Sirdalla P.S. Case No. 61 of 2017, registered for offences punishable under Sections 147, 148, 149, 341, 323, 436, 379, 354(B), 307, 427 and subsequently added Section of 302 of the Indian Penal Code.

Allegation as per F.I.R against the petitioner that they instigated the other co-accused of this case, who assaulted on the head of the deceased causing his death.

It has been submitted on behalf of the petitioners that no allegation of assault has been levelled against the petitioners and at best they can be said to be the order giver. Further petitioner no. 1 is a teacher and petitioner no. 2 is an old person aged about 75 years. It has also been submitted that later on after the death of the



deceased one of the witnesses has made allegation against the petitioners that they have also assaulted the deceased, which is completely baseless and no such fact is in the F.I.R. Petitioners are in judicial custody since 04.07.2017.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail.

Having heard both sides, in view of the above facts, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-V, Nawada, in connection with Sirdalla P.S. Case No. 61 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to



appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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