

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28198 of 2018

Arising Out of PS. Case No.-73 Year-2017 Thana- MAJHAULIA District- West Champaran

1. SK. MATLUB @ SK. MATLOOB @ MD. MATLUB, son of Late Sk. Khalil @ Md. Khalil
2. Sk. Jainul S/o Badari Dhobi,
Both are Resident of Village- Kadamawa, P.S.- Gopalpur,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. (Dr.) Mrityunjaya Kr. Gautam

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 12.03.2018 in connection with Majhauria P.S. Case No. 73 of 2017 for offences punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he and his brother were returning from Sariswa Bazar co-accused Sk. Bolar and Sk. Matloob confronted and fired on their back, one of which hit his brother Sk. Anwarul on the back. Thereafter other accused persons also surrounded them and on the orders of Sk. Kari, Sk. Buchai fired resulting in death



of his brother. It is alleged that petitioner no. 2 along with another co-accused also conspired with other co-accused.

It has been submitted by the learned counsel for the petitioners that they are innocent, allegation on petitioner no. 1 is of firing along with Sk. Bolar but there is only one injury found on the back. He submits that there is no allegation of any assault against petitioner no. 2 and co-accused Sk. Kari, on whose order Sk. Buchai fired on his brother, has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 53461 of 2017 vide order dated 29.11.2017 and other co-accused also have been granted privilege of bail by coordinate Benches of this Court. He further submits that Sk. Buchai is alleged to be the main assailant who fired on the head and charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Majhauria P.S. Case No. 73 of 2017,



subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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