

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59123 of 2017

Arising Out of PS. Case No.-293 Year-2017 Thana- AMARPUR District- Banka

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1. Md. Harun, S/o Late Md. Salim,
 2. Md. Norej, S/o Md. Harun, Both are R/o Village- Hirda Pokhar (Sultanpur), P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-02-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Amarpur P.S. Case No. 293 of 2017 registered under Section 302/34 of the Indian Penal Code.

The petitioners along with three accused persons are said to have assaulted father of the informant by means of *lathi* resulting into his death after twelve days during the course of treatment over grazing of the mango plant of the informant by She-goat of the petitioners.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. The allegation levelled against the petitioners is not specific



rather omnibus. The occurrence is of 28.06.2017, but *fardbeyan* was given by the informant after inordinate delay of thirteen days on 11.07.2017 without assigning any plausible reason for the aforesaid delay. Doctor has found two *anti-mortem* injuries on the person of the deceased, out of which one is on lip and another is on head which proved fatal. Hence, the assailant of the said injuries is not ascertained. All the two independent witnesses have stated about only altercation between the parties while one witness in paragraph 11 of the case diary has stated about altercation and free fighting between the parties. The petitioners have been languishing in custody since 12.08.2017.

In the facts and circumstances of the case, the above named petitioners are directed to 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 the learned Chief Judicial Magistrate, Banka, District-Banka in connection with Amarpur P.S. Case No. 293 of 2017.

(Prakash Chandra Jaiswal, J)

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