

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26560 of 2018

Arising Out of PS.Case No. -12 Year- 2017 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Md. Amin S/o Sk. Mahmood @ Md. Mahmood, R/o Vill.- Jafarganj,
P.S.- Katihar Muffasil, Distt.- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-06-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in connection with Katihar Muffasil P.S. Case No. 12 of 2017 instituted for the offence under Sections 147, 148, 149, 323, 324, 307, 379, 504, 506 and 302 of the Indian Penal Code.

The regular bail of the petitioner was earlier rejected by this Court vide order dated 21.06.2017 passed in Criminal Miscellaneous No. 19875 of 2017.

Case diary along with post-mortem report and report regarding present stage of the case has been received.

Learned counsel for the petitioner has submitted that petitioner is in custody since 28.01.2017. It is mentioned in the report that charge has been framed against the petitioner on 09.10.2017 and thereafter, the case is pending for trial and not a single witness has been examined. In the written report there is



allegation against the accused persons including the petitioner that informant went to her maize field with her husband, in the meantime, all the accused persons including the petitioner arrived there and assaulted the informant and her husband and in course of occurrence at the instance of co-accused Mahmood, this petitioner Amin assaulted her husband on his head by 'Farsa', and co-accused Md. Shamim assaulted the husband of informant on his head by sword, due to which he sustained serious head injury.

Learned counsel for the petitioner has further submitted that in the post-mortem report only one bandaged wound over back of scalp of husband of the informant was found. Other injuries on the person of deceased are on lips, forearm, leg and other parts of the body.

Considering the fact that petitioner is in custody since 28.01.2017 and not a single witness has been examined by the court below after framing of charge on 09.02.2017, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) in connection with Katihar Muffasil P.S. Case No. 12 of 2017 arising out of S.T. No. 254 of 2017 to the satisfaction of learned Court of Sessions Judge, Katihar subject to the condition that both the bailors will be close relative to the petitioner.

The petitioner, in any manner, will not try to hamper the



trial by intimidating or influencing the witnesses. Further, the petitioner will remain present on each and every date of trial and his absence on two consecutive date(s) without reasonable cause will make his bail bond liable to be cancelled.

(Sanjay Priya, J)

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