

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58651 of 2018

Arising Out of PS.Case No. -152 Year- 2018 Thana -CHANDAUTI District- GAYA

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1. Md. Niyazudin @ Raju,
2. Md. Altaf Ansari Both Sons of Md. Akhtar Ansari, R/o Mohalla- Faiz Colony, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-10-2018 Heard learned counsel for the petitioners, informant and the learned A.P.P. for the State.

The petitioners seek bail in Chandauti P.S. Case No. 152/2018, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 302 and 506 of the Indian Penal Code.

It is alleged in the written report that these petitioners along with two other accused persons took the son of informant to Faiz Colony, where one another apprehended person, namely, Md. Saify was also present. At his instance, all three persons including two other accused persons started assaulting the son of informant and Md. Saify levelling allegation of committing theft. Thereafter some other persons also arrived and started assaulting the son of informant and Md. Saify. The police arrived and took the son of informant and aforesaid Md. Saify to J.P.N.



Hospital, where doctor declared son of informant dead.

Post-mortem report of son of informant is available in case diary, wherein doctor has found ante-mortem injuries on the person of deceased caused by hard and blunt substance. Cause of death is opined due to shock and haemorrhage as a result of injuries on head, chest and abdomen.

Learned counsel for the petitioners has submitted that counter case has also been filed by the petitioners.

Learned Addl. P.P. has opposed the prayer for bail of petitioners. He has submitted that in case diary witnesses have levelled specific allegation of assaulting the son of informant against these petitioners. He has submitted that son of informant has sustained several injuries as alleged in the written report.

Learned counsel for the petitioners has submitted that one of the co-accused has already been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 59018/2018 dated 28.09.2018.

From perusal of aforesaid order it appears that case diary was not produced before the court during hearing of that bail petition.

In view of such, this Court is not inclined to grant bail to these petitioners at this stage. Accordingly, prayer for bail of



petitioners is rejected at this stage.

The court below is directed to expedite the trial.

(Sanjay Priya, J.)

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