

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35621 of 2018

Arising Out of PS.Case No. -67 Year- 2018 Thana -KATIHAR MUFFASIL District- KATIHAR
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1. Amir Mian @ Md. Ameer, Son of Late Rafik Mian,
2. Halim @ Halim.
3. Md. Javed @ Javed. Both sons of Amir Mian @ Md. Ameer, All resident of Makhdampur, P.S. Muffasil, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-08-2018 Heard the parties.

Prayer for bail of the petitioner no.1 (Amir Mian @ Md. Ameer) has already been withdrawn vide order adted 3.8.2018.

The petitioners are apprehending their arrest in connection with Mufasil P.S.Case No.67 of 2018 , registered for offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

Allegation against the petitioner nos. 2 and 3 (Halim @ Halim and Md. Javed @ Javed respectively) is of assault to the deceased causing his death.

Submission of the learned counsel for the petitioners is that there is no eye witness of the occurrence and they have falsely been implicated in this case.

Heard learned A.P.P. also, who has submitted that in para



nos. 6 and 11 of the case dairy, witnesses have stated that the petitioner no.1 was assaulting the deceased and there is no allegation of assault against the petitioner nos. 2 and 3..

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioner nos.2 Halim @ Halim and 3. Md. Javed @ Javed, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist class, Katihar in connection with Mufassil P.S.Case No.67 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With 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 co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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