

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2944 of 2018

Arising Out of PS.Case No. -239 Year- 2017 Thana -BISFI District- MADHUBANI

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1. Md. Tahir, S/o Md. Yasin,
2. Md. Afroz S/o Md. Tahir,
All R/o Gajwa, P.S.- Bisfi, Distt.- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fahad Khurshid

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioners and learned

APP for the State who has been assisted by learned counsel

representing the informant.

The petitioners, in the present case, are seeking

regular bail in connection with Bisfi P.S. Case No.239 of 2017,

registered for offences alleged under Sections 147, 148, 149, 341,

323, 307, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the

petitioners are in custody since 09.10.2017 and have got no

criminal history. It is further submitted that so far as the petitioner

no.1 is concerned, there is an allegation that he has assaulted the

deceased on his head by lathi, but there is no allegation of assault

against petitioner no.2.



On the other hand, learned counsel representing the State, who has been assisted by learned counsel representing the informant, submits that the assault committed by the petitioner no.1 has got corresponding injuries which have been reflected in the post mortem report. However, he submits that so far as petitioner no.2 is concerned, there is no allegation of assault against him and there are general allegations against him.

In the facts and circumstances, let the petitioner no.2 Md. Afroz be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Bisfi P.S. Case No.239 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

The petitioner no.2 shall not indulge in repetition of the offence and shall not threaten the witnesses. He would cooperate in course of trial and two consecutive defaults in putting appearance before the learned court below without any plausible reason shall lead to cancellation of his bail

So far as prayer for bail of petitioner no.1 is concerned, the same is rejected.

Arvind/-

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(Rajeev Ranjan Prasad, J)

