

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17409 of 2018

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

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1. Md. Mehraj @ Meraj Alam, Son of Amirul Haque,
 2. Md. Tausif, Son of Md. Taukir,
 3. Md. Shami Ahmad, Son of Md. Tahir, All resident of Village- Gajwa, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate Mr. Nilesh Kumar, Advocate Mr. Pravin Kumar, Advocate
For the State	:	Mr. Madhuranand Jha, APP
For the Informant	:	Mr. Rajesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioners, the learned APP for the State and the learned counsel appearing on behalf of the informant.

Petitioners, already in custody, seek bail in connection with Bisfi P.S. Case No.239 of 2017, registered under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

Allegation in brief is that quarrel took place while playing cricket and later on accused persons came and assaulted the husband of the informant and it is alleged that Md. Mehraj assaulted with bamboo piece, Md. Tausif assaulted with iron rod and Md. Tahir with lathi.

It is submitted by learned counsel for the petitioners that the police has submitted charge-sheet under Section 304 and not under



Section 302 of the Indian Penal Code, quarrel took place on trivial issue of dispute in playing cricket, three persons are said to have assaulted overt the head of the husband of the informant but two injuries on the head are found, there is no allegation against Md. Shami Ahmad, petitioner no.3 of giving any blow to the husband of the informant and the petitioners have no criminal antecedent; whereas the learned counsel appearing on behalf of the informant submits that there is specific allegation against petitioner nos.1 and 2 of giving blow.

Having considered the aforesaid facts and circumstances, petitioners, namely, Md. Mehraj @ Meraj, Md. Tausif and Md. Shami Ahmad are directed to be released 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 learned ACJM, Benipatti, District Madhubani in connection with Bisfi P.S. Case No.239 of 2017 with a condition that the petitioners shall remain physically present on each and every date before the trial court and if they absent themselves on two consecutive dates without any reasonable cause, their bail bonds shall liable to be cancelled.

(Arun Kumar, J)

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