

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61768 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- BASOPATTI District- Madhubani

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1. Md. Mahid, Son of Late Anas,
 2. Md. Haidar, Son of Md. Mahid
 3. Rasula Khatoon, Wife of Md. Mahid, All resident of Village Belkatwa, P.S. Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv.
For the Opposite Party/s	:	Mr Anil Kumar, APP
For the Informant	:	Mr. Gagandeo Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2018 The petitioners seek regular bail in connection with Basopatti P.S. Case No. 99 of 2018, registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

Allegation as per F.I.R. is that there was altercation with respect to feast in the house of petitioner no. 1 and after altercation, the deceased Aftab Alab left the place and he was caught by petitioner no. 1 and 2 and he was thrashed on the ground and petitioner no. 3 and others came and assaulted him by means of lathi and danda and specific allegation against one Md. Saddam, who assaulted the deceased by brick on his head, causing serious injury to him and he succumbed to the injury.

It has been submitted on behalf of the petitioners that



specific allegation of assaulting the deceased on his head by brick is attributed to co-accused Md. Saddam and post mortem report also supports the same and except that no other injury was found on the person of the deceased. Further petitioner nos. 1 and 2 have been in judicial custody since 10.05.2018 and petitioner no. 3 has been in custody since 24.06.2018.

Learned counsel for the State as well as informant opposed the prayer for bail. However, they could not controverted the fact that specific allegation is against co-accused Md. Saddam, who assaulted the deceased by brick on his head.

Having heard both sides, in view of the above facts, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -V, Madhubani, in connection with Basopatti P.S. Case No. 99 of 2018, subject to the condition that petitioners will cooperate in disposal of trial and make themselves available as and when required by the court below, failing which, the prosecution shall move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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