

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30525 of 2018

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

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Md. Tahir, son of Md. Yasin, Resident of Village-Gajwa, P.S.-Bisfi,
District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fahad Khurshid, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 20-06-2018 Heard Learned counsel for the petitioner and learned
APP for the State.

Petitioner, in the present case, is seeking regular 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.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 17.01.2018 passed in Cr. Misc. No.2944 of 2018. At this stage, for purpose of grant of regular bail, learned counsel for the petitioner points out that from perusal of the First Information Report, it would appear that the allegations of assault on the head of the deceased were made against the co-accused Md. Mehraj, Md. Tausif and Md. Tahir (petitioner). Learned counsel submits that as per the allegations, Md. Mehraj had assaulted the



deceased on the head with bamboo and Md. Tausif assaulted on his head with an iron rod, whereas the present petitioner had allegedly assaulted the deceased on his head with lathi. A copy of the order dated 28.03.2018 passed in Cr. Misc. No.17409 of 2018 by a learned coordinate Bench of this Court has been produced before me to demonstrate that the similarly situated accused Md. Mehraj and Md. Tausif against whom also there were allegations of assault by bamboo and iron rod respectively have been granted regular bail. The learned coordinate Bench has taken note of the fact that after investigation police has submitted a charge-sheet under Section 304 and not under Section 302 of the Indian Penal Code and that the quarrel took place on trivial issue of dispute in playing cricket.

Learned A.P.P for the State is present. However, on the face of the order dated 28.03.2018 passed in Cr. Misc. No.17409 of 2018 he is unable to distinguish the case of the petitioner from that of Md. Mehraj and Md. Tausif.

Considering the facts and circumstances of the case whereunder police has submitted a charge-sheet under Section 304 after completion of investigation and the two co-accused, against whom also there were allegations of assault on the head of the deceased, have been granted regular bail by a learned coordinate



Bench of this Court, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipatti, in connection with Bisfi P.S. Case No. 239 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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