

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4476 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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1. MD. BASAN aged about 25 years, Male, s/o Fazilat Hussain Resident of Village/Mohalla- Nawadih, Police Station- Nagar, District- Aurangabad.
 2. Shabbir @ Munna @ Sabbir aged about 24 years Male s/o Syed Imtiyaz Resident of Village/Mohalla- Nawadih, Police Station- Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-02-2019 Heard learned counsel for the parties.

FSL report has been received in this case.

The report has been perused by this Court.

Let the FSL report received by this court be sent to the
trial court.

Petitioners seeks bail in **Aurangabad Nagar P.S.**

Case No. 133 of 2018 registered for the offence punishable
under Sections 341, 323, 328, 302/34 of the Indian Penal Code.

The prosecution case in brief is that in the morning of
22.04.2018 Md. Basan and Shabbir @ Munna took away Md.
Akbar brother of the Informant out of his house and assaulted
him and administered him poison and left him abandoned. Md.



Mohsin @ Bhola, Saif @ Mandi, Md. Imran, Nasrin and Parveen @ Paro were also involved in the commission of offence. Md. Akbar was admitted to Jamuhar Medical College where he died during the course of treatment but before his death he had elaborated the entire occurrence.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that during the course of investigation it was found that the deceased Md. Akbar was mentally sick and earlier also on two to three occasion tried to commit suicide and was a drug addict also. Police has submitted chargesheet in this case under Section 306 of the IPC. Petitioners have got no criminal antecedent and is in custody since 13.12.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate-Aurangabad**, in connection with **Aurangabad Nagar P.S. Case No. 133 of 2018** with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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