

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8349 of 2019

Arising Out of PS. Case No.-824 Year-2018 Thana- KATIHAR District- Katihar

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1. Md. Aftab Alam @ Md. Aftab @ Chunnu aged 42 years, Male
 2. Md. Shahid @ Bacchu, age 38 years, Male Both sons of Ainul Haque
Resident of Chaudhary Muhalla, P.S. Katihar, District Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Pankaj Kumar Sinha, Mr. Shailendra Kumar Jha, Advocates
For the Opposite Party	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Katihar Town P.S. Case No. 824 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event, the thrust of accusation is against other accused persons, namely, Md. Tarik, Rinku, Sonu and Shadab. The allegation of assault by lathi, Danda, Farsa and sword is general and omnibus in nature and without specific accusation of assault attributed to the petitioners individually. The post mortem report discloses that no external injury was detected on the body of the deceased. The cause of death is due to nuerogenic and haemorrhagic shock resulting from internal injury inside brain which itself does not corroborate the accusation of assault. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 824 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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