

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11680 of 2019

Arising Out of PS. Case No.-60 Year-2014 Thana- TRIVENIGANJ District- Supaul

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1. MD. SAMIM @ MD. SAMIM AHMAD @ DABLU, Male, age about 43 years,
2. Md. Gulam, Male, aged ab out 35 years,
Both Sons of Late Basiuddin, Resident of village-Daparkha, P.S.-
Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail
registered for the offences punishable under Sections 302, 328,
34 of the Indian Penal Code.

Informant who is brother of the deceased has
alleged that on 08.04.2014 at 7:00 A.M., deceased had gone to
plough wheat field where uncle of informant and accused
started abusing and assaulting and threatened not to plough the
land and thereafter forcibly administered poison to his brother
as a result of which he died.

It has been submitted on behalf of petitioners that



petitioners have been falsely implicated in this case on basis of suspicion and misunderstanding and deceased died as he consumed poison and he was mentally unstable and subsequently the informant realized this fact and filed a petition to the police which was verified by the police also. It has come that during investigation also the independent witnesses have stated that deceased had consumed poison and committed suicide and the allegation against petitioners of forcefully administering poison is false and incorrect. Petitioners have no criminal antecedent and are in custody since 06.01.2019 and 10.01.2019 respectively.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Triveniganj P.S. Case No. 60 of 2014, subject to 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 Court and their absence on two consecutive dates without sufficient reasons, 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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