

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30806 of 2019

Arising Out of PS. Case No.-82 Year-2018 Thana- KESARIA District- East Champaran

1. MD. MUNNA MIAN @ MD. AFTAB @ MD. AFTAB ALAM @ MD. MUNNA Son of Sanjul Mian @ Mansoor Alam Resident of Village- Kushahar, P.S.- Kesariya, District- East Champaran.
2. Naimuddin Mian @ Md. Naimuddin Son of Md. Zakia @ Md. Jakiya Mian @ Md. Zakir Mian Resident of Village- Kushahar, P.S.- Kesariya, District- East Champaran.
3. Md. Zakia @ Md. Jakiya Mian @ Md. Zakir Mian Son of Md. Islam Mian Resident of Village- Kushahar, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Apprehending their arrest in connection with Kesariya
P.S.Case No.82 of 2018 registered for the offence under
Sections 341, 342, 323, 307, 452, 324, 328/34 of the Indian
Penal Code to which section 302 of the Indian Penal Code was
added subsequently, the petitioners have preferred this
application for bail.

As per the allegation in the F.I.R., the accused persons
including the three petitioners herein, variously armed, are
alleged to have come to the door of the informant, abused the



informant and others and assaulted the informant's brother. It is alleged that the informant's brother was assaulted with lathi and farsa and was taken away. It is further alleged that he was poisoned, piece of cloth was tied on his mouth and the accused persons returned and threw him at his door. He was taken to P.H.C. Kesariya from where he was referred to Sadar Hospital, Motihari.

It is submitted by learned counsel for the petitioner that co-accused Moriyam Khatoon has been enlarged on bail by this Court vide order dated 30.10.2018 passed in Cr.Misc. No.47161 of 2018. It is further submitted that from perusal of the said order it would transpire that the viscera report had been called for in the case. The report revealed that no metallic alkaloidal, glycoxydal, pesticidal or volatile poison could be detected in the dark brown fluid sent for examination. It is further submitted on behalf of the petitioners that even postmortem report does not show any ante mortem injury. The allegations are general and omnibus in nature and the petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration specially the contents of the viscera report of the deceased which has come in the order granting



anticipatory bail to co-accused, as contained in Annexure-3 to this petition, this Court is inclined to enlarge the petitioners on bail. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of A.C.J.M.-IV, East Champaran at Motihari, in Trial No.2309 of 2019 arising out of Kesariya P.S. Case No.82 of 2018 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Partha Sarthy, J.)

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