

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52308 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- KOILWAR District- Bhojpur

QUADIR HUSSAIN Son of Rashid Mia @ Abdul Rashid Resident of Village
- Rajapur, Pachrukhiya, P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naushad Akhtar, Adv
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147,148,149,302 of the
Indian Penal Code.

According to FIR, the informant and his
brother-Malay Singh were going to cast their vote during
parliamentary election. On the way, all the FIR named accused
person and 20-25 unknown restrained them from going to the
booth rather committed assault against them. Specific allegation
is against co-accused-Baidhnath Yadav, who had assaulted with
the But of his rifle causing injury at the head of Malay Singh, as
a result whereof, Malay Singh died. The Doctor has found
singly injury on the head of Malay Singh while performing



postmortem report. The informant was also assaulted by others. The injury report of the informant reveals that he had sustained an abrasion on the skull besides complaint of pain on the chest, knee and other non-vital part of the body.

Submission of learned counsel for the petitioner is that considering the aforesaid material, co-accused-Nandjee Rai Singh was allowed bail by a Coordinate Bench of this Court in Cr. Misc. No.48009 of 2019. Co-accused-Bineshwar Ray @ Bindeshwar Ray was allowed bail by another Coordinate Bench of this Court in Cr. Misc. No. 46687 of 2019.

Learned counsel for the informant submits that another Coordinate Bench has refused bail to FIR named accused-Sagir Husain @ Sagir Hussain in Cr. Misc. No.49733 of 2019.

The Hon'ble Bench while considering prayer for bail of Sagir Husain @ Sagir Hussain was not brought with notice of the injury report and postmortem report.

Considering the fact that there is no direct material against the petitioner, who has committed assault to the deceased, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Court below where the case is pending in connection with Koilwar Police Station Case No.152 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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