

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8897 of 2019

Arising Out of PS. Case No.-133 Year-2016 Thana- MIRGANJ District- Gopalganj

1. Zakir Hussain @ Mian Son of Islam Master
 2. Sakir Mian @ Hussain Son of Zakir Hussain @ Mian
 3. Nasima Khatoon Wife of Zakir Hussain @ Mian
- All are resident of Village- Gobarhi, P.S.- Khampar, District- Deoria(U.P)
and at present resident of Village- Pauali, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 29-04-2019 Heard learned counsel for the parties.

Learned counsel for the petitioners has submitted that the petitioner no.1 Zakir Hussain @ Mian has died during the pendency of this application, as such this application against the petitioner no.1 stands dismissed as withdrawn.

So far petitioner nos. 2 and 3 are concerned, they are apprehending their arrest in connection with Mirgan P.S.Case no.133 of 2016 registered for offences punishable under Sections 341, 323, 325,307, 504 and 34 of the Indian Penal Code.

Allegation as per FIR is that there was hot exchange of words between the informant and his brother Manzoor Alam and Zakir Miyan and it further appears that the accused persons



came, thereafter Manzoor Miyan assaulted with *Rod* on the head of the elder brother of the informant causing severe injury and thereafter Zakir Miyan thrashed on the ground and other accused persons assaulted both of them with *Lathi*.

Submission of the learned counsel for the petitioner is that there is no specific allegation attributed against the petitioners and the deceased died after one week of the occurrence.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner nos. 2. Sakir Mian @ Hussain and 3. Nasima Khatoon, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-XIV, Gopalganj in connection with Mirganj P.S.Case No.133 of 2016, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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