

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80763 of 2018

Arising Out of PS. Case No.-132 Year-2017 Thana- SAUR BAZAR District- Saharsa

Natho Mian

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 21.11.2017 passed in Cr.Misc.No.44416 of 2017. The petitioner is languishing in judicial custody in connection with Sessions Trial No.6 of 2018 arising out of Saurbazar P.S.Case No.132 of 2017 for an offence under Sections 147, 148, 149 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the petitioner along with 11 other co-accused persons assaulted his brother on various parts of the body as a result of which his brother sustained injury and succumbed. Specific allegation is upon the petitioner to give a dagger blow on the head and upon co-accused Jabbar Miyan to have inflicted a



chhura blow on the head of the deceased and co-accused Subhan Miyan to have given a *Khanti* blow at the back of the head of the deceased.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent. Allegation is general and omnibus upon 12 accused persons including the petitioner, there is no criminal antecedent and there is allegation upon the petitioner and other accused persons of inflicting blow on the head of the deceased. The postmortem report suggests that the brother of the informant died due to head injury and one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.71852 of 2018 dated 12.12.2018. He submits that there is no likelihood of conclusion of trial in the near future and the petitioner undertakes to cooperate in trial on day to day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, period of custody and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.06 of 2018



arising out of Saurbazar P.S.Case No.132 of 2017 to the satisfaction of Sri H.D.Patel, the learned Fast Track Court, Saharsa subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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