

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70897 of 2019

Arising Out of PS. Case No.-217 Year-2019 Thana- PAKRIDAYAL District- East Champaran

HABIB MIAN @ MD. HABIB S/o Late Maulbi Mian R/o village- Panditput
(Panditpur), P.S.- Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar
For the Opposite Party/s	:	Mr.Md. Nazir Ansari
For the Informant	:	Mr. Rajesh Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 4.8.2019 in a case registered for the offences punishable under Sections 147,341,323,307,448 and 504 of the I.P.C. Subsequently, Section 302 of the IPC was added.

The prosecution case as per the written report of the informant Renu Devi, submitted to the SHO, Pakridayal Police Station is to the effect that on 2.8.2019 at 3.30 P.M., eight accused persons including the petitioner came variously armed and started assaulting the informant. When the daughter of the informant namely, Pooja came to rescue, co-accused Ash Mohammad and his son ordered to kill Puja and thereafter the



accused persons assaulted Pooja. Subsequently, on arrival of neighbour, the accused persons went away but again they entered into the house of the informant and started assaulting Pooja and ultimately they throttled her to death.

It is submitted by learned counsel for the petitioner that there is omnibus and general accusation against the accused persons. The accusation of assault, particularly to Pooja and to throttle her, is not specific against the petitioner. In fact, Pooja was in love with the son of co-accused Aash Mohammad which was objected by the family members of Puja and due to that she committed suicide, which gets reflected from the video of the brother of the victim. The said fact has been recorded by the learned Sessions Judge in the impugned order. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and learned APP submit that the accusation of assault to the informant and the victim Pooja is against all the accused persons.

Considering the accusation being omnibus and general, the postmortem report suggests asphyxia being caused due to hanging which is contrary to the accusation levelled in the FIR, the investigation being concluded and the period in



custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-5, East Champaran at Motihari in connection with Pakaridayal P.S. Case No. 217 of 2019.

(Dinesh Kumar Singh, J)

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