

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75498 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. Md. Asharaf, Son of Md. Zakir, Resident of Village - Bhawanipur, P.S.- Bathnaha, Distt.- Sitamarhi.
2. Md. Nasim, Son of Md. Israil, Resident of Village - Bhawanipur, P.S.- Bathnaha, Distt.- Sitamarhi.
3. Md. Jawed, Son of Md. Israil, Resident of Village - Bhawanipur, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-12-2019 Petitioners seek regular bail in connection with Bathnaha P. S. Case No. 181 of 2019 registered for the offences punishable under Sections 302/34 of IPC.

As per F.I.R. there is allegation against these petitioners of assaulting deceased by rod and other weapons, due to which, he become unconscious and later on, he died.

Submission of the learned counsel for the petitioners is that he was in drunken condition and fell down and received injuries and as such, he was not immediately taken to the hospital. Petitioners are in custody since 23.08.2019.

Heard learned A.P.P. as well as learned counsel for the informant, who has opposed the prayer for bail on the ground



that there are specific allegation appears from the case diary against the petitioner no.1 that he assaulted by rod and cause of death is due to hemorrhage and shock.

Having heard both sides, in view of the facts and circumstances, as stated above, so far, petitioner no.1 is concerned, I am not inclined to grant bail to him. As such, his prayer for bail is rejected.

So far other petitioners are concerned, let the petitioners no.2 & 3, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P. S. Case No. 181 of 2019 , subject to the condition that one of the bailors of the petitioners no.2&3 shall be a local person having sufficient immovable property within the jurisdiction of the court concerned with condition to co-operate in disposal of the trial.

With the aforesaid, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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