

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80138 of 2019**

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Md. Maushim @ Md. Mosim, Male, aged 26 years, Son of Md. Hasan  
Resident of Village - Mauna, P.S.- Mahindwara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                               |
|--------------------|---|-------------------------------|
| For the Petitioner | : | Mr. Madhubala Verma, Advocate |
| For the State      | : | Mr. Jharkhandi Upadhyay, APP  |
| For the Informant  | : | Mr. Santosh Kumar, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 20-12-2019**

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner seeks bail in Mahindwara PS Case No. 48 of 2019 dated 04.04.2019 instituted under Sections 147, 148, 149, 448, 341, 323, 504 and 302 of the Indian Penal Code.

3. The allegation against the petitioner and eleven others is of assault leading to death of the father of the informant.

4. Learned counsel for the petitioner submitted that the allegation is general and omnibus and not specific and four co-accused have been granted anticipatory bail and the petitioner having no criminal antecedent is in custody since 15.07.2019.

5. Learned APP and learned counsel for the informant submitted that there is allegation of assault by the petitioner also. However, they were not in a position to controvert that there is no



allegation of any specific overt act with regard to any specific blow on the deceased by the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Mahindwara PS Case No. 48 of 2019, subject to the condition that one bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. Any violation of the terms and conditions of the bonds shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

**(Ahsanuddin Amanullah, J)**

Ranjeet/Rahul

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