

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9004 of 2020

Arising Out of PS. Case No.-117 Year-2018 Thana- KALUAHI District- Madhubani

MD. IRFAN SHAH @ MD. IRFAN @ MD. IRFAN SAH S/o Late Suleman
Shah R/o Village- Fakir Tol Keyota, P.S.- Kaluahi, Distt.- Madhubani.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Senior Advocate.
For the State : Mr. Anand Mohan Prasad Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 21-09-2020 Heard learned Senior counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Kaluahi
P.S. Case No.117 of 2018 registered under Sections 302/34 of the
Indian Penal Code.

The accusation is that in the evening of 10.07.2018,
Momina Khatoon and Sabana Khatoon, the mother and the niece
respectively of the informant Mozibul Sah, were present at the house.
At that time, nine persons, named in the F.I.R., including the
petitioner made complaint to the mother of the informant to the effect
that why his son Mozibul Sah (informant) has given the application
before the Sarpanch for partition of the land on which the mother of
the informant replied that while her husband has died but they have
not partitioned the land and asked them to partition the land.



Thereafter, all started to abuse and cause assault to the mother of the informant by pelting bricks. In that course, Akhtar Sah caused injury at the lip and chin of the mother of the informant by pelting brick, Rizwan Sah caused injury at the shoulder of the mother of the informant by pelting brick, this petitioner caused injury at the chest of the mother of the informant by pelting brick and Saeesta Praveen also caused injury at the chest of the mother of the informant by pelting brick. After sustaining injury, the mother of the informant became unconscious and fell down. Thereafter, all started to cause assault to the mother of the informant through fists, slaps, lathi and danda. The mother of the informant died in the way, while she was being taken to Primary Health Centre, Kaluahi, for treatment.

Learned Senior counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the allegation has been made against nine persons to cause injury to the mother of the informant by pelting bricks and through fists, slaps, lathi and danda due to land dispute. Further submission is that, earlier, the prayer of the petitioner and one Md. Rizwana alias Md. Rijban Shah alias Md. Rizwan alias Md. Rizwana Sah for grant of bail was rejected by a Bench of this Court vide order dated 01.04.2019 passed in Criminal Misc. No.3016 of 2019 with a direction to the trial court to expedite the trial of the petitioner and make effort to conclude the same as early as possible, preferably, within a period of nine months from the date of receipt/production of



a copy of this order but the charge has not been framed as yet against the petitioner. Further submission is that the similarly situated co-accused Md. Akhtar Sah alias Md. Akhatar alias Md. Akhtar Shah has already been granted the privilege of bail by a Bench of this Court vide order dated 30.04.2019 passed in Criminal Misc. No.9231 of 2019. The petitioner has no criminal antecedent and is in custody since 06.12.2018.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Madhubani, in connection with Kaluahi P.S. Case No.117 of 2018.

(Rajendra Kumar Mishra, J)

P.S./-

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