

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23077 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- KORHA District- Katihar

1. Md. Akimuddin, Male, aged about 68 years, S/o Late Dhani Mian, Resident of Simaria Karmu Tola, P.S-Korha, District-Katihar.
2. Md. Nazrul @ Md. Najrul, Male, aged about 38 years, S/o Md. Akimuddin, Resident of Simaria Karmu Tola, P.S-Korha, District-Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md Fazle Karim, Advocate.

For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that on 01.01.2020,



the husband of the informant, namely, Sahabuddin was called by the petitioner no.1, Md. Akimuddin and petitioner no. 2 Md. Nazrul, thereafter, occurrence of assault was taken place and during that course, co-accused Md. Suleman assaulted to the husband of the informant by sharp cut weapon, due to which, he died on the spot and co-accused Jabbar inflicted sickle blow on the hand of Tanvir and petitioner no. 2 Nazrul assaulted to Md. Rezabul on his head by *Dabiya* causing head injury. It has further been stated by the informant that the accused persons including the petitioners with a conspiracy killed her husband.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is no allegation of assault alleged against the petitioners. The main allegation of assault is against co-accused Suleman who is said to have assaulted the deceased Sahabuddin. Other co-accused have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 18806 of 2020 under order dated 16.07.2020.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No. 4 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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