

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35686 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- SATHI District- West Champaran

1. Hasamullah @ Sk. Hasamullah son of Late Sk. Ghaffar resident of village- Vrindavan, P.s.- Sathi, West Champaran, Bihar
2. Saimun Nesa wife of Sk. Hasamullah resident of village- Vrindavan, P.S.- Sathi, West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-12-2020 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The instant application for regular bail has been filed by the petitioners in connection with Sathi P.S. Case No. 50 of 2020 registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the FIR, it is stated that the petitioner no.1 along with his son, over an altercation between the parties, started to abuse the informant and on the informant resisting, they beat up the informant's father as a result of which his tooth broke. It is further stated that subsequently nine



named accused persons including the two petitioners herein as also 50-60 unknown persons variously armed with sword, rifle, stick etc. came and surrounded the informant and others, and beat them up as a result of which one Suresh Mukhiya succumbed to his injuries.

It is submitted by learned counsel for the petitioners that although in the first part of the F.I.R. there is allegation against the petitioner no.1 of having assaulted the father of the informant, however, from the injury report of the father of the informant brought on record in the supplementary affidavit filed on behalf of the petitioners, the allegations in the F.I.R. are not supported therein. It is further submitted that so far as the second part of allegations are concerned, they are general and omnibus and in nature and besides the nine persons named, 50-60 unknown persons are also stated to have participated in the occurrence. It is stated that the petitioners who are husband and wife are an old couple and are in custody since 25.4.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the period in custody, this Court is



inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Sathi P.S. Case No. 50 of 2020 on their furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, West Champaran.

(Partha Sarthy, J)

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