

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60976 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- MAJHAULIA District- West Champaran

1. SK. NAJIR Son of Late Sk. Bhikhari Resident of Village- Bahuarwa Tola Mahmadi, Ward No. 13, Police station- Majhauliya, District- West Champaran.
2. Sk. Saffi Ahmad Son of Late Sk. Mahmood Resident of Village- Bahuarwa Tola Mahmadi, Ward No. 13, Police station- Majhauliya, District- West Champaran.
3. Sk. Abulaish @ Md. Abulaish Son of Sk. Najir Resident of Village- Bahuarwa Tola Mahmadi, Ward No. 13, Police station- Majhauliya, District- West Champaran.
4. Sk. Sakil Son of Sk. Saffi Ahmad Resident of Village- Bahuarwa Tola Mahmadi, Ward No. 13, Police station- Majhauliya, District- West Champaran.
5. Md. Khurshed Son of Sk. Saffi Ahmad Resident of Village- Bahuarwa Tola Mahmadi, Ward No. 13, Police station- Majhauliya, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s	:	Mrs. Meena Singh, APP
For the Informant	:	Mr. Shakil Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 12-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned APP for the State as well as learned Counsel appearing for the Informant.



Petitioners apprehend arrest in Majhaulia PS Case No. 195 of 2019 registered under Sections 302/34 of the IPC.

The FIR has been lodged by wife of the victim alleging assault by the petitioners with farsa and iron rod. It is alleged that during treatment husband of the informant died on 28.4.2019.

Learned Counsel for the petitioners submits that there is no specific allegation of assault against the petitioners. Specific allegation is only against Sk. Safiullah (co-accused). It is further submitted that the death has occurred due to long standing diseases and not on account of the alleged assault. The FIR also in the instant case has been lodged on 28.4.2019 containing allegations in respect of much prior date i.e. 22.3.2019.

Learned APP for the State as well as learned Counsel for the informant have appeared. They have vehemently opposed the prayer for bail. Referring to para 45 of the case diary it is submitted that during the investigation specific assault has been attributed to the petitioners also. It is further submitted that one Medical Board has given its opinion in October 2019. The said Board opined that the long standing illness may be due to head injury and its complications.

On appreciation of the rival submissions this Court is inclined to allow the prayer for anticipatory bail on behalf of the petitioners.

Accordingly, let the petitioners, above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bettiah, West Champaran in Manjhaulia PS Case No. 195 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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