

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63653 of 2019

Arising Out of PS. Case No.-385 Year-2019 Thana- DANAPUR District- Patna

1. MD. KALLU @ FAIYAZ Son of Md. Kalam Resident of Village - Lal Kothi, Sultanpur, P.S.- Danapur, District- Patna
2. Md. Javed Son of Md. Kalam Resident of Village - Lal Kothi, Sultanpur, P.S.- Danapur, District- Patna
3. Riya @ Tia @ Parvez @ Prayaz Son of Md. Kalam Resident of Village - Lal Kothi, Sultanpur, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Arun Kumar Singh
For the Opposite Party/s :	Mr.Mritunjay Kumar Nirala
	Mr. Niraj Sannidh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2020 Heard both sides.

The petitioners seek bail in Danapur P.S. case No. 385 of 2019 registered under Section 147, 148, 149, 341, 323, 325, 307 and 302 of the Indian Penal Code.

The informant, Md. Akbar, altogether named nine persons and 20-25 unknown persons and alleged that the accused persons were taking cannabis (Ganja). When the informant objected, the accused persons began to abuse and assault. The accused persons were armed with different weapons. It is further alleged that when his brother Md. Abid and Md. Zahid came to save, Raju son of Md. Yasin, assaulted Md Zahid @ Guddu with iron rod on back side of his head and his brother fell down on the ground. Thereafter, Raju, Kallu, petitioner No.1, Talib, Javed, petitioner No.2, Banti, Riya @ Tiya, petitioner No.3, Guddu, Amzad and Pappu assaulted the informant and his brother.



The learned counsel for the petitioners submits that assailant of the deceased is Raju, son of Md. Yasin. The petitioners and others, such as, Amzad, Guddu, Banti, Talib are alleged to have assaulted the deceased and the informant and his brother but from perusal of the post mortem report it would appear that the deceased Md. Zahid @ Guddu received one injury on his head and on account of which he died. No other injury was found on the body of the deceased. It is further submitted that petitioners are alleged to have assaulted the informant and his brothers. The informant got three injuries but all the injuries are simple in nature. Similarly situated accused Banti, Amzad and Guddu have already been granted bail by coordinate bench of this court vide order passed in Cr. Misc. No. 7400 of 2020 and Cr. Misc. No. 6920 of 2020.

The learned counsel for the informant and the learned APP while opposing the prayer for bail submits that petitioners are also accused in one another case being Danapur P.S. case No. 383 of 2019. It is further submitted that petitioners are also alleged to have assaulted the deceased and others, including the informant.

It is evident from the FIR itself that the informant alleged that Raju, son of Md. Yasin, assaulted the brother of the informant, Md. Zahid @ Guddu with iron rod on the back side of his head whereafter all the accused persons, including the petitioners, are alleged to have assaulted the informant and his brother. From perusal of the post mortem report, it appears that the deceased got one wound on his head and on account of head injury he died. No other injury was found on any part of the body of the deceased. The informant of course received three injuries but all the injuries are simple in nature. Similarly



situated accused Banti, Amzad and Sonu have already been granted bail.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Danapur, Patna in connection with Danapur P.S. case No. 385 of 2019.

(Prabhat Kumar Jha, J)

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