

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73522 of 2019

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

1. CHAPPU Son of Yasin @ Md. Yasin Ansari Resident of Village - Lal Kothi, P.S.- Danapur, District- Patna.
2. Raju Son of Yasin @ Md. Yasin Ansari Resident of Village - Lal Kothi, P.S.- Danapur, District- Patna.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. N.K. Agarwal, Senior Advocate. Mr. Kunwar Narayan Jamuar, Advocate.
For the State	:	Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 17-03-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

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

The accusation is that in the evening of 14.05.2019, the informant Md. Akbar along with Md. Jahid alias Guddu reached near his house after 'Aftaar' and offering the 'Namaz', then saw nine persons, named in the F.I.R., including the petitioners and 20-25 unknown, who were taking the 'Ganja', there. When the informant made protest, then all started to abuse and cause assault to the children. Thereafter, Md. Abid and Md. Jahid Ansari, the cousin brothers of the informant, tried to save them, then Raju (petitioner



no.2), gave the iron rod blow at the head of Md. Jahid alias Guddu, the cousin brother of the informant, and when he fell down, then, again, Raju (petitioner no.2), Kallu, Talib, Javed, Bunty, Tia, Guddu, Amzad and Chappu (petitioner no.1) started to cause assault to him through, danda, rod and hockey. In an injured condition, Md. Jahid Ansari alias Guddu, the cousin brother of the informant, was rushed to Sadar Hospital, Danapur, from where he was referred to P.M.C.H., seeing his serious condition, where he died in course of treatment.

Learned counsel appearing on behalf of the petitioners submits that, in fact, regarding the alleged occurrence, on the basis of the fardbeyan of Md. Aftrab Alam, Danapur P.S. Case No.383 of 2019 was also instituted against the petitioners and five other F.I.R. named accused along with 20 unknown, in which general allegation has been made against all the accused including the petitioners to cause assault to the deceased but, later on, with an ulterior motive, the informant Md. Akbar lodged the present case, specifying the allegation against the petitioners and others to cause assault to the deceased through danda, iron rod and hockey. Further submission is that the co-accused Md. Talib alias Talib and Bunty against whom the present case was also lodged with the allegation to cause assault to the deceased through danda, rod and hockey, have already been granted bail by different Benches of this Court vide order dated 19.11.2019 passed in Criminal Misc. No.71845 of 2019 and vide order dated 06.02.2020 passed in Criminal Misc. No.6920 of 2020



respectively. Further submission is that the petitioners having no criminal antecedents are in custody since 19.06.2019.

On the other hand, learned Additional Public Prosecutor for the State opposed the prayer of the petitioners for grant of bail with the submission that in the post-mortem examination of the dead body of the deceased Md. Jahid Ansari alias Guddu, six injuries were found over his dead body.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Danapur P.S. Case No.385 of 2019.

(Rajendra Kumar Mishra, J)

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