

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67574 of 2019

Arising Out of PS. Case No.-385 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. Murtaza @ Kalua @ Kalva, Son of Hajar, Resident of Village - Dhubaniya, P.S.- Pahar Katta, District- Kishanganj
2. Ghulam Mustafa @ Gulam Mustafa, Son of Hajar, Resident of Village - Dhubaniya, P.S.- Pahar Katta, District- Kishanganj
3. Md. Surwa @ Jabir Alam @ Sirwa, Son of Md. Hanif, Resident of Village - Dhubaniya, P.S.- Pahar Katta, District- Kishanganj
4. Md. Salim, Son of Gultan, Resident of Village - Dhubaniya, P.S.- Pahar Katta, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-01-2020 This is an application for grant of anticipatory bail in connection with Kishanganj P. S. Case No. 385 of 2019 disclosing offences under Sections 302/34 of the Indian Penal Code.

As per F.I.R. while the father of the informant has gone to watch his field, the petitioner no.1 was allowing his cattle to graze his field and when he prevented him, he was assaulted by lathi and danda. It is also alleged that all the petitioners came and assaulted him and due to which, he received injuries and he was taken to the hospital. Later on he succumbed to the injuries.

Submission of the learned counsel for the petitioners is that even if, the F.I.R. is believed, there is general and omnibus allegation against the petitioners and case of death is from the postmortem report is due to asphyxia and shock as a result of



smothering. However, during the investigation some witnesses has stated that deceased was suffering from some ailments and he was taken to the hospital, where he died.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, who has opposed the prayer for anticipatory bail on the ground that several witnesses have supported the prosecution case, though they are not the eye witnesses of the occurrence.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Kishanganj, in connection with Kishanganj P. S. Case No. 385 of 2019 with condition that they have to appear before the I.O. and co-operate in the investigation, otherwise, their bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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