

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87324 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

1. SHAHJAD @ SHAHJAD ALAM Son of Salauddin @ Shalauddin Resident of Village - Karbala Kashibari, P.S.- Kochadhaman, District - Kishanganj.
2. Salauddin @ Shalauddin Son of Akhtar Hussain Resident of Village - Karbala Kashibari, P.S.- Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 01-06-2020 The present case was heard at length on 27.05.2020 and today, it has been listed under the heading “For Orders”.

The petitioners seek regular bail in connection with Kochadhaman PS case no. 190 of 2019 instituted for the offences punishable under Section 302/34 of Indian Penal Code.

The case of the prosecution in brief is that on 06.07.2019 at about 8.15 am, the son of the informant namely Mehar Rahmani was going towards Alta Hat for booking ticket. The informant was following him and in the meantime, when the son of the informant reached near Edgah chowk, FIR named



accused persons including the petitioners herein surrounded the son of the informant and dragged him towards a hut as also started assaulting him, whereafter the co-accused person namely Azad gave a blow in the stomach of the son of the informant by a sharp weapon resulting in him falling down on the ground.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case. It is further submitted that the main accused is Azad and there is no allegation of any sort of overt act upon the petitioners herein. It is further submitted that since the charge-sheet has already been submitted, there is no impediment in grant of bail to the petitioners herein. Lastly, it is submitted that the petitioners are having clean antecedent and as far as petitioner no. 1 is concerned, he is languishing in custody since 08.07.2019 and as far as petitioner no. 2 is concerned, he is languishing in custody since 06.08.2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the materials available in the case diary which do not prima facie suggest the complicity of the petitioners in death of the deceased, taking into account the fact that the main



assailant is Azad and no allegation has been levelled upon the petitioners of assaulting the deceased as also considering the fact that the petitioners are having a clean antecedent and are not likely to tamper evidence, I deem it fit and proper to direct for release of the petitioners upon them furnishing personal bond to the satisfaction of learned District and Sessions Judge, Kishanganj in connection with Kochadhaman PS case no. 190 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioners, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned District and Sessions Judge, Kishanganj in connection with Kochadhaman PS case no. 190 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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