

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15133 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- ABADPUR District- Katihar

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1. MUMTAZ @ MUMTAZ S/o Late Farid,
 2. Lalu, S/o Mumtaz @ Mamtaz,
Both are R/o village- Dharampur, P.S.- Abadpur, District- Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertake to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code.

Prosecution case is that as per FIR, on 30.06.2020 at about 4 O'clock Arjuna Khatoon plugged Jute leaves from the field of the informant. The informant caught her and opposed



her action, in the course petitioners and six other co-accused persons entered to assault Irfan and assaulted by bricks also. In the meantime, co-accused Kamir captured the neck of Irfan, husband of the informant and all the accused together killed her husband of the informant died on the spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and there is no specific overt act against them. Charge sheet has been submitted in this case. There is specific allegation against co-accused namely Kamir. The petitioner no.1 and the deceased were brothers and were next door neighbours and due to quarrel, deceased died accidentally. The petitioners are languishing in judicial custody since 19.07.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioners.

Considering the general and omnibus allegation against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount



each in connection with Abadpur P.S. Case No. 74/2020 to the satisfaction of learned Court below where the case is pending/ successor court.

(Anjani Kumar Sharan, J)

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