

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20340 of 2021

Arising Out of PS. Case No.-956 Year-2020 Thana- MADHAURAH District- Saran

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1. MOHAMMAD YUNUSH Son of Ajmat Hussain Resident of Village - Jalalpur, P.S.- Madhaura, District - Saran
 2. Md. Nuraish Son of Mohammad Yunush Resident of Village - Jalalpur, P.S.- Madhaura, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 307/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioner no.1 abused and instigated other accused persons to kill the informant, whereupon the accused persons armed with spear and rod assaulted the informant and others.

Learned counsel for the petitioners submits that



admittedly there is land dispute between the parties and the allegation against the petitioners is general and omnibus in nature and the injuries found on the persons of the informant and other injured persons were not dangerous to life, as such, offence under section 307 Indian Penal Code is not made out. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 13.12.2020. Investigation is complete.

Considering the rival submissions of the parties, materials available on the record and the fact that there is land dispute between the parties and the allegation against the petitioners is general and omnibus in nature and petitioners have got clean antecedent, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in Madhaura Police Station Case No. 956 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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