

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20831 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- PUPRI District- Sitamarhi

1. Md. Abdul Gaffar @ Abdul Gaffar, Son of Late Abdul Majid, Resident of Village- Bacharpur, Ward No.12, P.S.- Pupri, District- Sitamarhi.
2. Fulbabu @ Alam, Son of Abbdul Gaffar, Resident of Village- Bacharpur, Ward No.12, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Akshansh Ankit, Advocate  
For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

5      20-12-2021                      The applicants/accused in Crime No. 148 of 2020 registered with Pupri Police Station for the offences punishable under Sections 341, 323, 324, 307 and 302 read with Section 34 of the Indian Penal Code at the instance of first informant Md. Suleman, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicants/accused. He pointed out that co-accused such as Jamil Akthar, Khaitun Nisha and Issa @ Aaiysha are already released on bail by a coordinate Bench of this Court vide order dated 19.07.2021 passed in Criminal Misc. No. 1330 of 2021. The applicants/accused are behind the bars from 13.06.2020. He further submits that injuries certificate of first informant



Md. Suleman is not on record and there is no allegation of assaulting by means of knife against applicant no.2 and therefore, they are entitled to be released on bail.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

Though it appears that police has not filed the charge sheet by invoking provision of Section 149 of the Indian Penal Code, prima facie it appears that in this case, applicants and other accused by forming an unlawful assembly eliminated the deceased Md. Jilani in prosecution of their common object.

Co-accused are not identically situated. No case for grant of bail to the applicants/accused is made out. The application is rejected.

The applicants/accused to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

Bhardwaj/-

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**(A. M. Badar, J)**

