

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21105 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- PHULWARISHARIF District- Patna

Md. Firoz @ Md. Chittu S/o- Md. Ashfaq @ Md. kalo Resident of - Naya
Tola, Imam Colony, P.S. - Phulwari Sharif, District - Patna - 801505.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyadarshi Matri Sharan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2021 Heard both parties.

The petitioner seeks bail in Phulwari Sharif P.S. Case No. 183 of 2020, registered for the offence punishable under Sections 302, 379 and other allied sections of the Indian Penal Code.

As per the prosecution case, while informant and his brother Md. Husain after closing their shop were going to purchase vegetable from Nayatola, on the way, petitioner along with three co-accused are alleged to have assaulted the informant and his brother (deceased) with fist and slaps. In the meantime, co-accused Md. Sahil, Md. Sakib, Md. Tinku and Md. Danish assaulted informant's brother with knife and gave repeated blow on his abdomen and chest. Co-accused Md. Sakib and Md. Danish caught his neck. The informant's brother died



on the way to hospital.

It is submitted on behalf of the petitioner that specific allegation of causing stab injury is against Md. Sahil, Md. Sakib, Md. Tinku and Md. Danish on the abdomen and chest, as a result of which his intestine came out from his abdomen causing his death. Even if the entire prosecution case is taken to be true, petitioner is only alleged to have assaulted the deceased with fist and slaps. As per the postmortem report, the doctor has found the cause of death to be stab injury. Co-accused Md. Mushtaq @ Raja has already been granted bail by a coordinate Bench of this court vide order dated 27.07.2021 passed in Cr. Misc. No. 18479 of 2021. Petitioner is in custody since 12.04.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IX, Patna in connection with Phulwari Sharif P.S. Case No. 183 of 2020.

(Prabhat Kumar Singh, J)

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