

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39924 of 2021

Arising Out of PS. Case No.-128 Year-2019 Thana- KHANPURA District- Samastipur

Md. Mumtaj @ Md Mumtaj Ali Son Of Moti Miya Resident Of Village
Purshottampur Annu P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anu Priyadarshni

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Khanpur P.S. Case No. 128 of 2019 corresponding to G.R. No. 2383 of 2019, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and later on, Section 302 of I.P.C. was added.

As per the prosecution case, the accused persons including the petitioners herein, variously armed, had arrived at the house of the informant and had attacked the informant and her family members, resulting in death of father-in-law of the informant namely Rajak Mian. It is further alleged that the accused Mokhtar and Ladla has assaulted Rajak Mian i.e. the father-in-law of the informant by means of *lathi* and *farsa*, resulting in him sustaining grievous injuries, which resulted in his death. The co-accused namely Taiyab is stated to have assaulted one Shahjahan Khatoon by means of electric



pipe. The co-accused Akhtar had assaulted Aujmena Khatoon resulting in her receiving cut injuries on her right hand. As far as the co-accused persons namely Ubhia Khatoon and Mumtaz (petitioner) are concerned, they are also stated to have assaulted Aujmena Khatoon.

It is submitted on behalf of petitioner that no specific overt act ha been alleged against this petitioner. Specific allegation of assault is against other co-accused persons. Petitioner is next door neighbour of the informant. Petitioner has got clean antecedent and he is in custody since 03.09.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V Samastipur in connection with Khanpur P.S. Case No. 128 of 2019 corresponding to G.R. No. 2383 of 2019.

(Prabhat Kumar Singh, J)

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