

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28770 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- BAHERA District- Darbhanga

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ABDUL SALAM ANSARI Son of Late Sumaan Ansari Jahaa Resident of
Village - Quziyan, P.S.- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarva Deo Singh
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
Mr. Vinay Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-09-2021 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 504, 341, 323, 324,
354(B), 307/34 of the Indian Penal Code.

As per the prosecution case, this petitioner is alleged
to have assaulted the informant with Garasa on her head as a
result of which she sustained injuries and died during the course
of treatment.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. It is submitted that the occurrence took place on
17.12.2020 but fard bayan was recorded on 21.12.2020 and the FIR



was registered on 01.01.2021 without any explanation. It is further submitted that during the course of investigation son of the informant has not alleged any specific overt act against this petitioner and stated that all the accused persons are alleged to have assaulted the deceased with Lathi, Danda, and Garasa. It is submitted that post mortem report shows that cause of death is due to Septicemia and shock due to injuries caused by hard and blunt object. Petitioner is in custody since 02.01.2021 and investigation in this case is complete .

Learned counsel appearing for the State and the informant opposed the prayer for bail and submits that there is specific and direct allegation against this petitioner that he assaulted the informant with Garasa on her head as a result of which she sustained injuries and died during the course of treatment. The post mortem report also supports the prosecution case.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera PS case No. 01/2021 on



the following conditions:-

(1) Petitioner 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 his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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