

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6647 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- AGIAON BAZAR District- Bhojpur

1. Sirajudin S/o Roja Miyan Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
2. Jalaludin Son of Roja Miyan Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
3. Munna Mian S/o Roja Miyan Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
4. Naeem Mian S/o Roja Miyan Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
5. Salim Mian S/o Roja Mian Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
6. Asgar Mian S/o Jalaludin Mian Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
7. Akhtar Mian S/o Serajuddin Mian Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.
8. Kalim Mian S/o Nasaruddin Mian Resident of Village- Amehta, P.S.- Agion Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Ranjan Pd. Singh, Adv.
For the Opposite Party/s	:	Ms. Veena Rani Prasad, APP
For the informant	:	Mr. Shiv Prasad Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-07-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Agion Bazar P.S. Case no. 48 of 2020 registered under section 302 and other sections of the Indian Penal Code.



As per allegation in the F.I.R., 17 named accused persons came and started to abuse the informant and others. Thereafter it is stated that they assaulted the father of the informant leading to his death.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are general and omnibus in nature. The petitioners are in custody since 16.6.2020 and their case stands on a similar footing to the two other co-accused namely, Najabu Ansari and Anwar Alam who have been enlarged on bail vide order dated 8.1.2021 passed in Cr.Misc. no.28356 of 2020. It is submitted that Sessions Trial no. 14 of 2021 is pending wherein only three prosecution witnesses out of the 12 chargesheet witnesses have been examined. The petitioners are ready to abide by all the conditions which may be imposed by this Court for their release on bail.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioners are named in the F.I.R. in the brutal murder of the father of the informant which is supported by the postmortem report. The trial has proceeded and their applications for bail be rejected.

Having heard learned counsel for the parties and



taking into consideration the petitioners having remained in custody for over 1 year, grant of bail to other two accused, this Court directs the petitioners to be enlarged on bail in connection with Sessions Trial no.14 of 2021 (arising out of Agion Bazar P.S. Case no. 48 of 2020) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Bhojpur.

In view of the trial in the case having proceeded, it is directed that all eight petitioners shall remain present in the learned trial Court on each date of the trial. In case of their absence on a single day for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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