

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36424 of 2020

Arising Out of PS. Case No.-196 Year-2020 Thana- KISHANGANJ District- Kishanganj

1. SIRAJUL HAQUE Son of Wahab Ali Resident of Village- Belwa Kachubari, P.S.- Kishanganj, District- Kishanganj
2. RAFIQUE ALAM Son of Sirajul Haque Resident of Village- Belwa Kachubari, P.S.- Kishanganj, District- Kishanganj
3. TAFIZUL HAQUE Son of Sirajul Haque Resident of Village- Belwa Kachubari, P.S.- Kishanganj, District- Kishanganj
4. SHAMSUL HAQUE Son of Sirajul Haque Resident of Village- Belwa Kachubari, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amal Kumar Sinha, Advocate
For the State	:	Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 16-03-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioners are in custody since 27.05.2020 in connection with S.T. No. 38 of 2020, arising out of Kishanganj P.S. Case No. 196 of 2020 for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged murder of the husband of the informant by accused persons. It is stated that the specific accusation of assault is on petitioner nos. 2 and 3, while such accusation is general and omnibus against the other accused



persons. It is submitted that the accusations have been made in the backdrop of land dispute between the parties and as a matter of fact the deceased was keeping ill since 2002. There is delay of about 3 days in lodging the FIR on 17.05.2020 for the alleged occurrence of 14.05.2020. The petitioners claim clean antecedents.

4. Learned APP has obtained a copy of the case diary in order to assist this Court, which on request is placed on record. He opposes the bail petition on the basis of case diary referring to paragraphs 3 and 9 in which the witnesses have supported the prosecution case with regard to assault by the accused persons. Post mortem report in the case diary discloses three injuries including head injury on the body of the deceased.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioners. The bail petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

