

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36975 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- ARARIA District- Araria

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Iliyas, aged about 65 years, Male, S/o Late Shahid, R/o village Chandradei,
Tola Rahika, Ward No. 1, P.S. Araria R.S., Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, APP

For the Opposite Party/s : Mr. Ram Naresh Rai, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-02-2021 Heard Mr. Mahendra Thakur, the learned counsel for

the petitioner and Mr. Ram Naresh Rai, the learned Additional

P.P.

Petitioner, Iliyas seeks bail in Araria (R.S.) P.S. Case
No.160 of 2020, registered under Sections 147, 148, 149, 342
and 302 of the Indian Penal Code.

The informant Sakib named as many as seven persons
including the petitioner and alleged that some altercation took
place between the kids of the two families and on account of
such, the petitioner and other accused persons came and picked-
up quarrel with Wasik, the father of the informant and assaulted
him with fists and slaps. The accused persons put down Wasik
on the Naad (meant for feeding animals) and Wasik got internal
injuries. During the course of treatment, Wasik died.



Learned counsel for the petitioner submits that the petitioner is alleged to have assaulted the deceased with fists and slaps. During the course of investigation, one Masabbir @ Mosabbir is alleged to have put the deceased down on the Naad causing internal injuries on different parts of his body. Prayer for anticipatory bail of Masabbir @ Mosabbir has already been rejected vide order dated 19.01.2021, passed in Cr. Misc. No.27252 of 2020 and other five accused persons have been granted anticipatory bail by the same order. The case of the petitioner stands on the same footing. Petitioner is in custody since 20.05.2020. The police after investigation submitted charge sheet under Section 323 and other bailable sections of the Indian Penal Code, but the learned Judicial Magistrate took cognizance under Section 302 of the Indian Penal Code.

The learned Additional P.P. however, opposed the prayer for bail of the petitioner.

It appears that there is omnibus and general allegation of assaulting the deceased with fists and slaps against the petitioner and six others but during the course of investigation, it has come that Masabbir @ Mosabbir is alleged to have violently put the deceased down on the Naad and consequently Wasik got many internal injuries. During the course of treatment



he died and on this fact five other accused persons have been granted anticipatory bail vide order dated 19.01.2021, passed in Cr. Misc. No.27252 of 2020. The case of the petitioner stands on the same footing. Petitioner is in jail since 20.05.2020.

Considering the facts aforesaid, petitioner, namely, Iliyas 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 C.J.M., Araria in connection with Araria (R.S.) P.S. Case No.160 of 2020.

(Prabhat Kumar Jha, J)

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