

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38111 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- AMAUR District- Purnia

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1. MD. SAFIR S/O Late Baghghu
 2. MD. MUKHTAR S/O- Md. Manjoor
 3. BABLOO S/O- Md. Mansoor
- All are resident of Village - Hakka, Ward No. 10, P.S. - Amour,
District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 05.01.2020 in connection with Amour P.S. Case No. 5 of 2020 registered for the offences punishable under Sections 147/148/149/341/323/325/324/302/504 of the Indian Penal Code.

As per the prosecution case, all the 14 named accused persons armed with *lathi*, *danda* and *farsa* brutally assaulted the husband of the informant as a result of which he died on the spot.

It is submitted on behalf of the petitioners that there is case and counter case between the parties and there is no specific allegation of overt-act against these petitioners. It is further submitted that due to land dispute, these petitioners have



been falsely implicated in this case. It is next submitted that after investigation, police has submitted charge-sheet under Section 304 of the I.P.C. against these petitioners. Petitioners are in custody since 05.01.2020 having no criminal antecedents.

Considering the aforesaid facts and circumstances, the bail petition of the petitioners is allowed. Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned J.M.-1st, Class, Purnea, in connection with Amour P.S. Case No. 05/2020, subject to following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tempers 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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