

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2918 of 2021

Arising Out of PS. Case No.-116 Year-2019 Thana- GORAUL District- Vaishali

Md. Hasnain aged about 58 years Son Of Late Abdul Hakim R/O Village
Hasanpur Gangati, P.S- Goraul (KATAHARA O.P) , District Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Naresh Sharma, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered
for the offence punishable under sections 307/302 and other
ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioner and other
accused persons went to the house of the informant and
assaulted his family members with lathi, danda and rod as a
result of which informant's nephew Md. Danish sustained
injuries and died in course of treatment.

Learned counsel for the petitioner submits that the
petitioner is 58 years old and there is general and omnibus
allegation against him and the FIR has been lodged on



18.4.2019 for the offence of 15.4.2019 without giving cogent reason of delay. He further submits that the petitioner has been implicated in this case only on the basis of previous dispute over grazing the field by goat of the petitioner. There is counter case also registered against informant party and both sides sustained injuries including the petitioner. Informant is not the eye witness of the occurrence. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 4.6.2020.

Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation against the petitioner and the informant is not the eye witness of the occurrence, let the petitioner, mentioned above, 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 Additional Chief Judicial Magistrate I, Vaishali at Hajipur in Goraul Police Station Case No. 116 of 2019 (Katahara OP) 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)

Shashi

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

