

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40754 of 2020

Arising Out of PS. Case No.-109 Year-2020 Thana- CHAKIA District- East Champaran

MD. AZAD Son of Jahrul Mian Resident of Village- Ramdiha, P.S.- Chakia,
Distt- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State as well as learned counsel for the informant through video conferencing.

The petitioner seeks bail in Chakia P.S. Case No. 109/2020 registered for the offences punishable under Sections 341/323/307/379/504 of the Indian Penal Code. Subsequently, Section 302 of the IPC was added.

As per the prosecution case, this petitioner is alleged to have given *lathi* blow on the head on Shabana Khatoon causing cut injury and when Md. Taslim, Kasidan Khatoon and Chaman Tara came to rescue, they were also assaulted by all the accused persons including this petitioner as a result of which, Md. Taslim died during the course of treatment.



It is submitted that from bare perusal of the F.I.R., this petitioner is said to have assaulted Sabana Khatoon, but there is no injury report on record. It is further submitted that so far as assault on the deceased Md. Taslim is concerned, there is general and omnibus allegation of assault against all the accused persons. It is submitted that both the parties are agnates and the dispute arose between the parties over petty issue of keeping fire-wood. Petitioner has got clean antecedent and he is in custody since 31.05.2020.

However, learned counsel for the informant opposed the bail application and submitted that the petitioner is one of the accused persons who has assaulted the deceased.

Considering the facts and circumstances of the case and also the fact that both the parties are agnates and that there is general and omnibus allegation of assault against this petitioner and the petitioner bears clean antecedent, the bail petition of the petitioner is allowed. Let the petitioner 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Chakia P.S. Case No. 109/2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner 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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