

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4594 of 2021

Arising Out of PS. Case No.-125 Year-2020 Thana- BAHADURGANGJ District- Kishanganj

1. AFSAR ALAM S/O NAZAMUDDIN R/O VILLAGE-DHOMONI (BANGAMA , P.S.-BAHADURGANG, DISTRICT-KISHANGANJ.
2. AKBAR ALAM S/O NAAZMUDDIN R/O VILLAGE-DHOMONI (BANGAMA , P.S.-BAHADURGANG, DISTRICT-KISHANGANJ.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Bahadurganj PS Case No. 125 of 2020, S.T. No. 43 of 2020 registered under Sections 341, 323, 325, 307, 504/34 and 302 of the IPC.

While the informant was sleeping at his house the instant accused with other persons have assaulted father of the informant, his mother, his son and wife.

It is submitted by learned Counsel for the petitioners that parties are related. The allegations are outcome of subsisting land dispute. In fact, there was a free fight between the parties in which some injury has also been sustained by the petitioners, which is evident from para 42 and 43 of the case diary. The petitioners are



stated to be in custody since 2.5.2020.

Learned APP has opposed the prayer for bail. Referring to the case diary he submits that at least against petitioner No. 1 there is allegation of assault on the head of father of the informant. The postmortem report shows that the injuries sustained on the head of the victim is the cause of death.

This Court having considered the rival submissions is inclined to allow the prayer for bail on behalf of petitioner No. 2 namely Akbar Alam. Let petitioner No. 2 Akbar Alam be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, 3rd, Kishanganj in Bahadurganj PS Case No. 125 of 2020, S.T. No. 43 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In respect of petitioner No. 1 namely Afsar Alam, this Court for the present is not inclined to allow the prayer for bail. The prayer is rejected.

(Madhuresh Prasad, J)

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