

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5012 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- AMAUR District- Purnia

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1. Md Sharif (M) 60 years Son Of Late Aziz @ Late Hajju Resident Of Village-Bangara,P.S-Amour, Distt.-Purnia
 2. Md. Zahid(M) 31 years Son Of Md. Sharif Resident Of Village-Bangara,P.S-Amour,Distt.-Purnia
 3. Rahil (M) 29 years Son Of Md. Sharif Resident Of Village-Bangara,P.S-Amour,Distt.-Purnia
 4. Tasabbar(M) 27 years Son Of Md. Sharif Resident Of Village-Bangara,P.S-Amour,Distt.-Purnia
 5. Ashraf(M) 25 years Son Of Md. Sharif Resident Of Village-Bangara,P.S-Amour,Distt.-Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick
For the Opposite Party/s : Mr. J.K.Singh, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 05-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Amour P.S. Case No. 117 of 2020, registered for the offence under Section 302 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 14.06.2020 at 11:00 AM, all the accused persons, including these petitioners, armed with weapons entered into the house of the informant and petitioner no. 1 is alleged to have given bamboo blow on the



head of wife of informant and co-accused Md. Sabbir inflicted dabiya blow on the head of wife of informant, as a result of which, she fell down and during course of treatment died.

It is submitted on behalf of petitioners that the prosecution case is not supported by the *post-mortem* report, as the doctor has found only one injury on the head of deceased, whereas, as per FIR, petitioner no. 1 and co-accused Md. Sabbir are alleged to have assaulted with bamboo and dabiya respectively on the head of wife of informant. So far as petitioner no. 2 to 5 are concerned, there is general and omnibus allegation of assault. There is case and counter case and both sides sustained injury. Petitioners are in custody since 16.06.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnia in connection with Amour P.S. Case No. 117 of 2020, on the following conditions:



“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper 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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