

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9711 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. Taiyab Miyan aged about 75 years Son of Late Adalat Miyan Resident of Village - Mahammadpur Lala Tola, P.S. - Mahammadpur, Dist. - Gopalganj.
2. Naushad Alam aged about 20 years Son of Rustam Alam Resident of Village - Mahammadpur Lala Tola, P.S. - Mahammadpur, Dist. - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. JK Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-05-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and the
State.

Petitioners seek bail in a case registered for the offence
punishable under section 302 and other ancillary sections of the
Indian Penal Code.

As per the prosecution case, petitioners and other
accused persons, all named in the FIR came to the house of the
informant and started to destroy banana plant and on protest by
his father, on the order of petitioner no.1, other accused persons
pulled down informant's father and assaulted him on his chest as
result of which he died on the spot.

Learned counsel for the petitioners submits that there



is land dispute between the parties and in fact informant's side tried to plant banana saplings on the disputed land for which altercation took place in which informant's father fell down on the ground and died due to heart attack as he was about 70 years old. Further, there is general and omnibus allegation against the petitioners. Police has completed the investigation and Charge sheet has been submitted for the offence under sections 304/34 Indian Penal Code. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 10.8.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions of the parties coupled with the fact that there is general and omnibus allegation against the petitioners and charge sheet has been submitted for the offence under sections 304/34 of the Indian Penal Code, let the petitioners, mentioned above, be enlarged 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 the Additional Chief Judicial Magistrate I, Gopalganj in Mahammadpur Police Station Case No. 169 of 2020 on the 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 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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