

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9783 of 2021

Arising Out of PS. Case No.-12 Year-2020 Thana- BATH District- Bhagalpur

1. MD. ASLAM @ NATA SON OF LATE SABO @ SAHABUDDIN
RESIDENT OF VILLAGE- CHARSA GUDAM, P.S- BATH, DISTRICT-
BHAGALPUR
2. MD. CHHOTU SON OF MD. LADDU MIYAN RESIDENT OF
VILLAGE- CHARSA GUDAM, P.S- BATH, DISTRICT-BHAGALPUR
3. MD. HARUN @ CHAND MUNNA SON OF LATE AASIK RESIDENT
OF VILLAGE- CHARSA GUDAM, P.S- BATH, DISTRICT-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioners seek bail in Bath P.S. Case No. 12 of
2020 corresponding to Sessions Trial No. 203 of 2020,
registered for the offence punishable under Sections 307, 323
and other allied sections of the Indian Penal Code. Later on,
section 302 IPC was added.

As per the prosecution case, on 11.03.2020 at about
9.00 pm, while the informant was in his house, co-accused Littu
Miyan started pelting stones from the roof of his house. On



protest, all the accused persons including these petitioners armed with lathi, iron rod came and on the order of co-accused Littu Miyan, all the accused persons assaulted him with fist and slaps, lathi and iron rod. It is further alleged that when informant's wife, father and his brother came to save him, they were also assaulted by the accused persons, as a result of which they sustained injuries. It is further alleged that during course of treatment, informant's wife died.

It is submitted on behalf of the petitioners that there is case and counter case. Both sides sustained injury. There is no specific allegation of any overt act against these petitioners rather allegations are general and omnibus in nature. Case lodged by the petitioners side bearing Bath PS Case No. 11 of 2020 dated 20.03.2020 is earlier in point of time. It is further submitted that though, the occurrence is said to have taken place on 11.03.2020, but the FIR has been lodged on 20.03.2020 i.e., after lapse of nine days without any plausible explanation. Petitioner no. 1 is in custody since 14.04.2020, petitioner no. 2 is in custody since 01.06.2020 and petitioner no. 3 is in custody since 18.06.2020 having clean antecedents, as stated in para 3 of the petition.

Learned APP however, vehemently opposed the



prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the fact that there is case and counter case and petitioners bear clean antecedent, the petitioners above-named, are directed to 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 learned 10th Additional Sessions Judge, Bhagalpur in connection with Bath P.S. Case No. 12 of 2020 corresponding to Sessions Trial No. 203 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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