

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12287 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- BARHARA District- Bhojpur

1. RAJU MIA Son of Alaudin Mia @ Alau Mia Resident of Village- Chhinegaon Tola, P.S.- Barhara in the district of Bhojpur.
2. LALLU MIA @ MD. RIZWAN MIA Son of Mainu Mia @ Mainuddin Mia @ Mainudin Miyan Resident of Village- Chhinegaon Tola, P.S.- Barhara in the district of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-02-2022 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Barhara (Sinha O.P.) P.S. Case No. 235 of 2020 instituted for the offences under Sections 302/34 of the Indian Penal Code.

It has been alleged in the F.I.R. by the wife of the deceased that the petitioners and several others had assaulted the deceased by means of fists and slaps. The informant and her brother-in-law were also assaulted when they reached the place of occurrence in rescue of the



deceased. The deceased though was administered first aid treatment and was referred to the P.M.C.H. but on way to hospital, he died. So far as the petitioners are concerned, they are only said to have assaulted the deceased by means of fists and slaps. Co-accused Bablu Mian is said to have thrown pebbles which hit the father-in-law of the informant. The act of firing is attributed to some of the other accused persons of this case and not to the petitioners.

Two of the accused persons of this case have been granted anticipatory bail by a different Bench of this Court vide order dated 26.02.2021 passed in Cr. Misc. No. 33798 of 2020.

This Court had called for the case diary for perusing the post-mortem report. The post-mortem report reveals that there was no external injury on the person of the deceased. There is nothing in the case diary which would indicate anything otherwise as against the petitioners.

Regard being had to the afore-stated facts, the



provisional bail granted to the petitioners vide order dated
23.12.2021, is hereby confirmed.

The petitioners shall remain on the same bail
bonds.

The application stands allowed.

(Ashutosh Kumar, J)

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