

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2799 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- TARABARI District- Araria

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1. Md. Ashique @ Ashique @ Budhu S/o Md. Imran R/o Mohalla- Kharaiya Basti Ward No. 13, P.S.- Araria, District- Araria
 2. Md. Saik @ Md. Sayak S/o Md. Imran R/o Mohalla- Kharaiya Basti Ward No. 13, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay
For the Opposite Party/s : Mrs.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-05-2022 Heard both parties.

The petitioners seek bail in Tarabari P.S. Case No. 83 of 2021 corresponding to Sessions Trial No. 331 of 2021, registered for the offence punishable under Sections 307, 302 and other allied sections of the Indian Penal Code.

As per the FIR, on 02.08.2021 at about 7.00 PM co-accused Ekhlakh was raising wall on the land of informant which was objected by the father of informant. Thereafter, all the FIR named accused persons armed with lathi, danda came and started abusing the informant and his family members. On the instigation of co-accused Ekhlakh, petitioners along with co-accused Mahmood @ Pinku assaulted the father of informant. It is further alleged that when the informant went to save his father, co-accused Afsana and Noor Saba caught the informant



and assaulted him. In the meantime, co-accused Mahmood and Md. Ashique (petitioner no. 1) caught hold the hands of informant's father and co-accused Ekhlakh assaulted him with knife on his neck, as a result of which he died during course of treatment.

It is submitted on behalf of the petitioner that specific allegation of assault with knife is against co-accused Ekhlakh and petitioner no. 1 is alleged to have caught hold hand of informant's father (deceased). So far as petitioner no. 2 is concerned there is general and omnibus allegation of assault. The doctor has found only one injury on the neck of deceased. Petitioner no. 1 is in custody since 15.09.2021 and petitioner no. 2 is in custody since 08.09.2021 and they are having clean antecedent. Investigation is complete.

Considering the facts and circumstances of the case, 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 Sessions Judge, Araria in connection with Tarabari P.S. Case No. 83 of 2021 corresponding to Sessions Trial No. 331 of 2021.

(Prabhat Kumar Singh, J)

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