

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14586 of 2022

Arising Out of PS. Case No.-312 Year-2018 Thana- BARARI District- Katihar

MD MOKAMMAL @ MD MOUKAMMAL HUSSAIN @ MD.
MOUKAMMAL Son of late Md. Afzal Hussain Resident of Village -
Dumaria, Sukhasan Milik, P.s.- Barari, Distt.- Katihar, Bihar ... Petitioner
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Preety Kunwar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barari P.S. Case No. 312 of 2018 lodged under Sections 147,
148, 149, 302, 307 of the Indian Penal Code.

As per the allegation made in the FIR, there were 6
persons including the petitioner attacked on the husband of the
informant. Subsequently, the specific allegation has been made
against 4 persons namely, Md. Alam and Md. Afzal to cut the
neck of the informant's husband and upon Md. Najir and Sagir
to attack on the head of the informant's husband by iron Khanti
and iron rod, in result the death of informant's husband took
place.

Learned counsel for the petitioner submits that there is
no specific allegation against the present petitioner. All

allegations are general and omnibus in nature. The specific allegation to attack on the deceased is against 4 named persons. The petitioner moved for anticipatory bail which was rejected, thereafter he surrendered and he is in custody since 18.02.2021 having no criminal antecedent and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that there is an allegation against the petitioner as a member of mob.

Considering the facts and circumstances of this case that there is general and omnibus allegation against the petitioner and no specific as well as considering the period of custody and no criminal antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VIII Katihar in connection with Barari P.S. Case No. 312 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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