

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19389 of 2022

Arising Out of PS. Case No.-223 Year-2020 Thana- BAHADURGANJ District- Kishanganj

1. Anwar Alam, Son of Md. Kalam @ Kalam,
2. Fakira @ Jasim @ Fakeera, Son of Jawed Alam @ Javed Alam,
3. Munna Alam, Son of Mante @ Matiur Rahman @ Matte,

All are residents of Village- Bagicha, Ward No.15, P.S.- Bahadurganj,
District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bahadurganj P.S. Case No. 223 of 2020 registered for the alleged offences under Sections 341, 323, 325, 307, 504, 379/34 of the Indian Penal Code and later on Section 302 IPC had been added.

The prosecution case is that the informant was



assaulted by the petitioners and other co-accused persons on account of some minor altercation. Later on, the informant died during course of his treatment.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to village politics. There is no specific allegation against the petitioners for any overt act as it has nowhere been mentioned that what was the role of the petitioners in the alleged occurrence. The co-accused persons, namely Gani @ Abdul Gani and Noman @ Nauman Alam have been granted bail by this Court vide orders dated 13.07.2022 and 27.07.2022 passed in Cr. Misc. Nos. 69723 of 2021 and 68979 of 2021, respectively. The charge sheet has been submitted and the petitioners are in custody since 03.01.2022 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioners and the other co-accused persons assaulted the informant causing his death.

Having regard to the submissions made hereinabove and considering the fact that there is no specific allegation against the petitioners for causing such injury which might have resulted the death of the informant and further



considering their period of the custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Bahadurganj P.S. Case No. 223 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

