

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37036 of 2021

Arising Out of PS. Case No.-637 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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1. Chhotu S/o- Fazilat Mian Resident of Nakchhed Tola, P.S.- Motihari Town,
District- East Champaran.
 2. Hari S/o- Nurain Khan Resident of Nakchhed Tola, P.S.- Motihari Town,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2022 Heard both parties through video conferencing.

The petitioners seek bail in Motihari Town P.S. Case
No. 637 of 2020, registered for the offence punishable under
Sections 302, 34 of the Indian Penal Code.

As per the prosecution case, on 06.10.2020 petitioners
are alleged to have assaulted the informant and snatched his
gold chain, wrist watch and when his brother Md. Sajjad came
to rescue him, he was also assaulted by the petitioners.
Informant had lodged Motihari Town PS Case No. 606 of 2020
on 08.10.2020 for the alleged occurrence. Petitioners used to
give threat to the informant to withdraw the aforesaid case
otherwise they will kill them.



Again on 15.10.2020, while informant's brother Md. Sajjad was going to market on the way both the petitioners are alleged to have assaulted him by lathi, danda, kick and fat due to which he became unconscious. Then one Khushboo Khatoon informed the informant about the alleged occurrence and when informant reached there he saw both of them fleeing away from the place of occurrence. Later on, during course of treatment informant's brother succumbed to the injuries.

It is submitted on behalf of the petitioners that petitioners has falsely been implicated in this case due to old enmity. During course of investigation, Khusboo Khatoon who is alleged to have given information to the informant about the alleged occurrence, she has stated that she does not know the identity of persons who were assaulting the deceased. Informant is not eye-witness of the occurrence. Petitioners are in custody since 12.02.2021.

Counsel for the informant vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that Khusboo Khatoon in her statement has stated that she does not know the petitioners, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 637 of 2020.

(Prabhat Kumar Singh, J)

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