

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29494 of 2022

Arising Out of PS. Case No.-49 Year-2020 Thana- BHEJA District- Madhubani

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ABDUL HAFIZ SON OF LATE ABID @ AABID HUSSAIN R/O
VILLAGE- MAHPATIYA, P.S.- BHEJA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Dhar Jha
For the State	:	Mr.Mohammed Arif, APP
For the Informant	:	Mr. Manoj Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per FIR, on the alleged date and time of the occurrence, informant's father, uncle were getting land measured by Amin and after demarcation said persons started returning to their home, on the way, this petitioner and other accused persons stopped and surrounded them and thereafter at the direction of co-accused Abdul Aziz some of the co-accused persons caught hold informant's father and co-accused Md. Samshad assaulted him by using dagger during course of medical treatment informant's father died.



The main submissions advanced by Sri Shashi Dhar Jha, the learned counsel appearing for the petitioner are that co-accused Md. Sayeed @ Abdul Shahid carrying similar allegation as that of the petitioner has been considered for pre-arrest bail by a bench of this court vide order passed in Cr. Misc. no. 69254 of 2021 and petitioner is 73 years old person and against him there is no specific allegation and he is alleged to be member of the mob and no overt-act in committing the alleged murder has been mentioned in the FIR.

Sri Mohammad Arif, learned APP appearing for the State has opposed the prayer for bail.

Mr. Manoj Kumar Jha appears on behalf of the informant and submits that he has filed vakalatnama online and now he is filing hard copy of vakalatnama.

In view of said prayer, let hard copy of vakalatnama filed by him be kept on record.

Learned counsel for the informant has also opposed the prayer for bail and submitted that petitioner is named in the FIR and there is allegation against him.

In view of the above submissions and mainly considering petitioner's case being similar to co-accused Md. Sayeed @ Abdul Shahid who has been granted anticipatory bail by a bench of this court, petitioner is 73 years old and carrying no specific allegation deserves to the privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the Addl. Chief
Judicial Magistrate III, Jhanjharpur District Madhubani in Bheja P.S
Case No. 49 of 2020.

(Shailendra Singh, J)

s.hassan/-

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