

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35610 of 2022

Arising Out of PS. Case No.-310 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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AMIR @ MD. AMIR Son of Halim Mansuri, Resident of village - Bishan
Tola Jagdishpur, P.S.- Jagdishpur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 38738 of 2022

Arising Out of PS. Case No.-310 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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BABLU @ RAJUDDIN Son of Md. Hassamuddin, Resident of Village -
Bishen Tola Jagdishpur, P.S.- Jagdishpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35610 of 2022)

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 38738 of 2022)

For the Petitioner/s : Ms. Sushmita Mishra

For the Opposite Party/s : Mr. Md. Nazir Ansari

Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 03-11-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as Mr. Shailendra Kumar, the learned Additional Public



Prosecutor for the State.

The petitioners are seeking regular bail in connection with Jagdishpur Sadar P.S. Case No. 310 of 2020 registered for offence punishable under sections 323, 324, 397, 302, 504/34 of the Indian Penal Code.

The informant Md. Jahid has mentioned in this *fardbeyan* that on hearing hue and cry, the informant and his brothers went to the place of occurrence where they saw that the accused persons named in the FIR, including the petitioners, were assaulting his father and uncle with iron rod. There is specific allegation against petitioner Amir @ Md. Amir and co-accused Md. Saddam that they with intention to kill assaulted the father of the informant with iron rod on his head, who died in course of treatment.

The learned counsel for the petitioner Amir @ Md. Amir has submitted that the informant Md. Jahid in his written report at first instance has mentioned that the petitioner Amir @ Md. Amir is direct assailant of his father, but in paragraph 48 of the case diary, he did not specifically mention that Md. Amir @ Amir has assaulted his father, rather he made general and omnibus allegation.

The learned counsel for the petitioner Bablu @



Rajuddin has submitted that the allegation against this petitioner is general and omnibus and on similar footing, co-accused Dablu has been granted bail in Cr. Misc. No. 38673 of 2021.

On the other hand, Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State has opposed the prayer for bail and submitted that the allegation in the FIR that the petitioner Amir @ Md. Amir and co-accused Md. Saddam have assaulted on the head of the father of the informant with iron rod, which has been corroborated by the *post mortem* report, as injuries were found on the head of the deceased. He has also submitted that in paragraph nos. 6, 7, 8, 9 and 10 of the case diary, the witnesses have also supported the allegation.

Considering the fact that **the petitioner Amir @ Md. Amir is direct assailant, I am not inclined to grant him bail. Accordingly, his prayer for bail is rejected.**

So far as the petitioner Bablu @ Rajuddin is concerned, on similar footing, co-accused Dablu has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 38673 of 2021, as such, his prayer for bail is allowed.

Let petitioner Bablu @ Rajuddin be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 310 of 2020, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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