

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45129 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- BAISI District- Purnia

1. TOHID, Son of Abdul Quddus, Resident of Village- Chopara, P.S.- Baisi, District- Purnia.
2. Tajun, Wife of Abdul Quddus, Resident of Village- Chopara, P.S.- Baisi, District- Purnia.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Baisi P.S. Case No. 225 of 2020 registered for the offences punishable under Sections 147/148/149/341/323/324/307/302 of the Indian Penal Code. They are in custody since 30.09.2020 and 16.01.2021 respectively. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that the



informant lodged this F.I.R. on the allegation that the accused persons named in the F.I.R. indulged in assault to the informant's side on the point of construction of *Chajja*. It is alleged that in course of assault co-accused Mirshid assaulted informant's brother Ubedur Rahman by Khanti on his head and dragged him to his Angan and when her elder brother Saddam ran to save him then Mirshid assaulted him by a piece of brick on his head and again assaulted by Khanti resulting he became unconscious. It is alleged that on the way to Purnea her elder brother Saddam died.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that in the F.I.R. altogether 27 persons have been named and it is alleged that there were 5-6 unknown persons who had indulged in the alleged assault but the specific allegation of assault by a Khanti on the brother of the informant has been made against co-accused Murshid. So far as the deceased Saddam is concerned, he was also assaulted by co-accused Murshid by a piece of brick on his head and the said injury proved fatal. There is no specific allegation of commission of any overt act against the petitioners and no weapon has been attributed in their hands as also that they have



no criminal antecedent.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that in the F.I.R. altogether 27 persons have been named and it is alleged that there were 5-6 unknown persons who had indulged in the alleged assault but the specific allegation of assault by a Khanti on the brother of the informant has been made against co-accused Murshid and so far as the deceased Saddam is concerned, he was also assaulted by co-accused Murshid by a piece of brick on his head and said injury proved fatal, there being no specific allegation of commission of any overt act against the petitioners and no weapon has been attributed in their hands as also that they have no criminal antecedent and have remained in custody since 30.09.2020 and 16.01.2021 respectively and their presence may be secured in course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 225



of 2020, subject to the condition as laid down under Section 437
(3) Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioners and in case at any
stage it is found that the petitioners have concealed their
criminal antecedent, the court below shall take steps for
cancellation of bail bond of the petitioners. However, the
acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

