

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48882 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- SUGAULI District- East Champaran

1. SHEIKH MUBARAK S/o Sheikh Korai Resident of Village- Chhapwa, P.S.- Sugauli, District- East Champaran.
2. Sheikh Tabrej S/o Sheikh Mubarak Resident of Village- Chhapwa, P.S.- Sugauli, District- East Champaran.
3. Sheikh Aftab S/o Sheikh Mubarak Resident of Village- Chhapwa, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 341, 323, 324, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons including the three petitioners herein are said to have come variously armed with *farsa*, iron rod, *lathi* etc and of having assaulted the informant as also his father, brother and others leading to the death of his brother.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is case and counter case between the parties.



The manner of occurrence is other than what has been narrated in the FIR. The allegations are general and omnibus in nature and even the allegations attributed against petitioner nos.2 and 3 cannot be said to be the reason for the death. The petitioners are in custody since 9.3.2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation as also the postmortem report, the Court is not inclined to enlarge the petitioner no.1 on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

In view of the facts of the case, the nature of allegation and the statement of the witnesses recorded in course of investigation, the Court directs the petitioner nos. 2 and 3 to be enlarged on bail in connection with Sugauli P.S. Case no. 104 of 2021 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 2nd -cum-Special Judge, Excise, East Champaran, Motihari.

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(Partha Sarthy, J)

