

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39563 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- KOTWALI District- Munger

MD. ASLAM @ SALAMAT Son of Md. Islam Resident of Village - Minnat
Nagar, P.S. - Kotwali (Purabsarai O.P.), District - Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-09-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered u/ss 341, 323, 307, 504 read
with 34 of the Indian Penal Code, section 8 of POCSO Act and
later on section 302 of the IPC was added.

As per the prosecution case, it is alleged that the
informant's son and minor grand daughter went for a walk, in
the meantime the petitioner and co-accused persons started
abusing his son. On being protested by his son, co-accused Md.



Putul holding a iron rod assaulted on his head causing head injury and co-accused Cammando molested the informant's grand daughter. Thereafter, Md. Saddam, Md. Ibran, Md. Amzad, Md. Saiyad, Md. Ashraf assaulted the informant's son with danda while he was laying in the injured condition. When the informant's family reached there, the accused persons fled away. The informant's son was brought to Sadar hospital, Munger for treatment from where he was referred to PMCH, Patna.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that the petitioner has clean antecedent as stated in para 3 of the bail petition. There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has further submitted that the specific allegation is against the co-accused, Md. Putul of assaulting the informant's son with iron rod. The name of the petitioner has sprung up during the course of investigation. There is no overt act against the petitioner. The petitioner is in custody since 19.04.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that the post-mortem



report shows that cause of death is due to hemorrhage, shock and the complication caused by head injuries.

Considering the aforesaid facts and circumstances, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, in connection with Kotwali P.S. Case No. 448 of 2021, with following conditions :-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled by the concerned Court.

The application stands allowed.

(Chandra Prakash Singh, J)

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