

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62750 of 2021

Arising Out of PS. Case No.-225 Year-2021 Thana- GORAUL District- Vaishali

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1. MD NAUSHAD Son of Md. Rojid
 2. MD MAZID Son of Late Abdul Hakim
 3. MD ROZID Son of Late Abdul Hakim
All Resident of Village - Mansoorpur Halaiya, P.S.- Goraul, (Kathara O.P.),
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivam, Adv
For the State	:	Mr.Rajendra Nath Jha, APP
For the informant	:	Ms. Rina Sinha, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 447,341,323,324,307,302 and 34 of the Indian Penal Code.

The prosecution case, in short, is that the informant's sons Md. Shamim and Md. Yakib were returning to their house, as soon as they reached the house, accused Md. Irshad, Md.



Naushad, Md. Junaid, Tabassum Khatoon, Md. Majid, Md. Rojid, Shamina Khatoon and Rafat Parveen surrounded and caught hold of them. Shanmina Khatoon and Rafat Parveen brought dagger from the house and gave to Md. Irshad and Md. Junaid and ordered to kill. Thereafter Md. Irshad stabbed knife in the abdomen of Md. Shamim and Md. Junaid inflicted dagger blow in the stomach of Md. Yakib. Md. Naushad indiscriminately assaulted with hockey on the neck of Md. Shamim, rest of the accused persons also assaulted his both the sons with Lathi and Hockey. Due to which his both the sons became badly injured. His both sons were brought to Mahua Hospital but Md. Shamim died.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation against co-accused, namely, Md. Irshad and Md. Junaid and Md. Irshad stabbed knife in the abdomen of Md. Shamim and Md. Junaid stabbed knife in the stomach of Md. Yakib. He further submits that allegation against petitioner No.1 is that he assaulted to Md. Shamim with Hockey on his neck or other accused persons allegedly assaulted with sticks and hockey sticks. He further



submits that the allegation as alleged in the FIR does not support in the postmortem report and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 04.08.2021.

Learned counsel for the informant, on the other hand, has opposed the prayer for bail of the petitioners and submits that there is direct allegation of assault against petitioner No.1.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Goraul (Katahra O.P.) Police Station Case No.225 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



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 antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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