

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62335 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- MIRGANJ District- Gopalganj

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1. SHAMSHAD ALI Son of Late Rustam Ali Resident of Village- Basatpur (Baraipatti), P.S.- Mirganj, District- Gopalganj.
 2. Mohamad Anish @ Anish Ahamad Son of Late Rustam Ali Resident of Village- Basatpur (Baraipatti), P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kunwar Ajit Singh, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the informant	:	Mr. Rajesh Roy, Adv.
		Mr. Manaur Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 307, 341, 323, 341, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, five named accused person including the two petitioners herein are said to have come variously armed with *lathi*, *sword*, *farsa*, iron rod etc. It is stated that they started to abuse the father of the informant. Anish Ahmad caught hold of the neck of the father of the informant while Shamshad Ali and Md. Tausif Ali struck the informant's father with an iron rod and lathi as a result of which the informant's father sustained serious injuries on his head and fell down unconscious. He died in course of treatment.

It is submitted by learned counsel for the



petitioners that the petitioners have been falsely implicated in the case. No injury is attributable to Anish Ahmad. So far as Shamshad Ali is concerned while the allegations are general and omnibus in nature against him and one another, the postmortem report does not support the allegations levelled in the FIR. There is a delay of two days in lodging of the FIR. The petitioners have no criminal antecedent and are in custody since 8.9.2021.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the allegation against Shamshad Ali and one another of having assaulted the father of the informant which is further substantiated from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner no.1, Shamshad Ali on bail and his application for bail is rejected.

In the facts of the case the Court directs the petitioner no.2, Mohamad Anish @ Anish Ahmad to be enlarged on bail in connection with Mirganj P.S. Case no. 235 of 2021 on 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.C.J.M. 15th Gopalganj.

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(Partha Sarthy, J)

