

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64936 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- SIMRI District- Darbhanga

1. Md. Taukir S/o Late Mehadi Zan R/o village- Nayatola Kansi, P.S.- Simri, District- Darbhanga
2. Md. Jeyauddin S/o Md. Mohi R/o village- Nayatola Kansi, P.S.- Simri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate
		Mr. Bhola Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned Senior Counsel for the petitioners and
learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioners seek bail in
connection with Simri P.S. Case No. 175 of 2021 registered for
the alleged offences under Sections 147, 148, 149, 323, 324,
307, 302, 504, 506 and 120(B) of the Indian Penal Code.

Allegedly the petitioners were a part of an unlawful
assembly which assaulted the informant and his family members
and the wife of the informant succumbed to the injury later on.

Learned Senior Counsel for the petitioners submits



that there is no specific allegation against the petitioners. They are stated to have assaulted the informant and his family members with the weapons in their hand but no description of the weapon has been given. There is nothing in the F.I.R. to show that the petitioners assaulted the wife of the informant who died later on. Further, specific allegation of assault of wife of the informant are against other co-accused persons. The learned Senior Counsel further submits that altogether there are 19 named and 5-7 unknown persons in the F.I.R. and only general and omnibus allegations have been levelled against the petitioners who are in custody since 23.06.2021.

Learned A.P.P. for the State has opposed the submissions made on behalf of the petitioners. Learned A.P.P. has submitted that while the wife of the informant died, a number of family members of the informant including informant received various injuries due to assault by the petitioners and other co-accused persons.

Having regard to the submissions made hereinabove and considering the fact that the petitioners are not said to be assailant of the wife of the informant who has since died as a result of assault and further considering the non specific and general allegation against the petitioners who are in custody for



more than one year, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga in connection with Simri P.S. Case No. 175 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every day fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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