

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66272 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. Khatiullah @ Khatibullah Son of Late Sanaullah Resident of Village - Guabari, P.s.- Kundwa Chainpur, Distt.- East Champaran.
 2. Md. Rashid Son of Late Atiullah Resident of Village - Guabari, P.s.- Kundwa Chainpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioners pray for bail in Kundwa Chainpur P.S. Case No. 105 of 2020, registered for the offence under Sections 147, 148, 149, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while brother of the informant Sabir Ahmad was returning home and reached near the house of Md. Samiullah, 20 F.I.R. named accused including both petitioners and 10-12 unknown, armed with pistol, lathi and farsa, surrounded him and co-accused Sarfey Alam fired from his gun, which hit in the stomach of Sabir Ahmad and he fell down and thereafter, four persons came to save him, then accused persons also assaulted them, as a result of which, they



also sustained some injuries. Thereafter, all the injured were taken to hospital, where Sabir Ahmad (brother of informant) died during course of treatment.

It is submitted on behalf of petitioners that though, petitioners are named in the F.I.R., but no specific over act has been attributed to these petitioners. It is further submitted that from bare perusal of the F.I.R., it is apparent that *Maarpit* took place between the parties, in which, both sides sustained injury. There is case & counter case and petitioners are in custody since 07.07.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioners is allowed. Let the above named petitioners 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 S.D.J.M., Sikrahana at Dhaka, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 105 of 2020.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

