

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69254 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- BHEJA District- Madhubani

MD. SAYEED @ ABDUL SHAHID S/o Abdul Hakim R/o village-
Mahpatiya, P.S.- Bheja, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ravi Prakash, Adv. Mr. Udeshya Kumar Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s :	Mr. Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks pre-arrest bail in connection with
Bheja P.S. Case No. 49 of 2020, registered under Section 302/34
of the Indian Penal Code.

Learned counsel for the petitioner submits that from
the F.I.R., itself it transpires that specific allegation to attack on
the stomach of deceased is only against Md. Samsad @ Laddan,
whereas the present petitioner is only the member of the mob as
per allegation alongwith 4-5 unknown persons. Learned counsel
for the petitioner further submits that petitioner has clean
antecedent and there was a land dispute. He further submits that

it is no where mentioned in the F.I.R. that this work has been done with common intention and therefore, he submits neither section 302 nor 34 is applicable in the present case.

Learned counsel for the State submits that specific allegation of act and overt act is only on Md. Samsad and by this injury only the death has caused.

In the present facts and circumstances that offence as mentioned in the F.I.R., has not been constituted against the present petitioner, there is no act or overt act upon him and he has clean antecedent, let the petitioner, above-named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No.49 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Dr. Anshuman, J)

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