

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23278 of 2023

Arising Out of PS. Case No.-477 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Md Guddu
 2. Leelu @ Md. Nawab
Both Sons Of Ali Raja @ Raja Resident Of Village- Ward No. 12,
Kathalbari, P.S- L.N.M.U., Darbhanga, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
24.12.2022 in connection with L.N.M.U.P.S. Case No. 477 of
2022, F.I.R. dated 23.12.2022 registered for the offence
punishable under Sections 302/34 of IPC.

3. Allegation against petitioner No.1, namely, Md.
Guddu is that he caught hold of Md. Salim and allegation
against petitioner No.2, namely, Leelu @ Md. Nawab is that he
inflicted brick blow on the head of Md. Salim due to which he
fell down and became unconscious. Thereafter, he was taken
D.M.C.H. where Doctor declared him brought dead.



4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR it appears that allegation against petitioner No.1, namely, Md. Guddu is that he caught hold of Md. Salim and allegation against petitioner No.2, namely, Leelu @ Md. Nawab is that he inflicted brick blow on the head of Md. Salim and there is no specific allegation of any assault or overt-act attributed against petitioner No.1 and the police, after investigation, submitted chargesheet against the petitioner and the petitioners are in custody since 24.12.2022.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against petitioner No.2, namely, Leelu @ Md. Nawab is that he inflicted brick blow on the head of Md. Salim due to which he fell down and became unconscious and during treatment the victim died but fairly submits that there is no specific allegation of any assault or



overt-act attributed against petitioner No.1.

6. In view of the aforesaid, I am not inclined to enlarge petitioner No.2, namely, Leelu @ Md. Nawab on bail. Prayer is refused.

7. Considering the aforesaid facts, let petitioner No.1, namely, Md. Guddu, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Darbhanga in connection with L.N.M.U.P.S. Case No. 477 of 2022, with the following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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)

Nitesh/-

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