

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26236 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- LAUKAHI District- Madhubani

1. Md. Amir S/o Md. Ishlam Resident of Village- Bangama, P.S.- Narihaiya, OP (Laukahi), District- Madhubani.
2. Md. Kalam S/o Md. Ishlam Resident of Village- Bangama, P.S.- Narihaiya, OP (Laukahi), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-04-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Gagan Deo Yadav, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

This is the second attempt where the petitioners are renewing their prayer for bail in connection with Laukahi (Narhaiya O.P.) P.S. Case No. 137 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 457, 427, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian



Penal Code was added.

Earlier the prayer for bail of the petitioners were rejected after considering the specific nature of accusation and the fact that the petitioners have actively participated in causing the death of Amina Khatoon and injuries were inflicted to two other persons. However, while rejecting the prayer of the petitioners liberty was granted to renew his prayer for bail after framing of charge.

It is submitted at the bar that on 16.03.2023 charges have been framed against the petitioners by the Court of Additional Sessions Judge-III, Jhanjharpur in Sessions Trial No. 100/23, the copy of which has been placed as Annexure 3 to this petition.

On the other hand, learned APP for the State opposes the bail application and submits that now the trial has already commenced and the same is likely to be concluded within a reasonable time.

Having considered the submissions made on behalf of the parties and the fact that charges have already been framed, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Laukahi (Narhaiya O.P.) P.S. Case No. 137 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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