

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32353 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

1. Muslim Nadaf @ Md. Muslim Nadaf Son of Md Safique Nadaf Resident of Village- Ghanshyampur Haripur Tole Badiya, Ps- Ghanshyampur, Dist- Darbhanga
2. Ali Akbar Son of Muslim Nadaf @ Md. Muslim Nadaf Resident of Village- Ghanshyampur Haripur Tole Badiya, Ps- Ghanshyampur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Ghanshyampur P.S. Case No. 156 of 2022 registered for the
offence under Sections 147, 148, 149, 341, 323, 324, 307 and
302 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R., where
petitioner no. 1 is in custody since 20.06.2022 and petitioner no.
2 is in custody since 17.06.2022.

The allegation against these petitioners is to commit



murder of nephew of informant along with other 24 named co-accused persons and 20-25 unnamed co-accused persons, where all the accused persons are the followers of particular region.

Learned counsel appearing on behalf of the petitioners submitted that the allegation is appearing very much general and omnibus against these petitioners in the background of the allegation as it is appearing from the narration of F.I.R. itself. It is submitted that similarly situated co-accused, namely, Md. Jasim has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 11826 of 2023 vide order dated 05.05.2023. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, by taking note of the fact as allegation as regard to assault causing death of nephew of informant is appearing very much general and omnibus against above named petitioners coupled with the fact that charge-sheet has already submitted, where petitioner no. 1 is in custody since 20.06.2022 and



petitioner no. 2 is in custody since 17.06.2022, accordingly both petitioners, above named, are directed to be released on bail in connection with Ghanshyampur P.S. Case No. 156 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Biraul, Distt-Darbhangha/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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