

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38217 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- BHAPTIAHI District- Supaul

1. OLI MOHAMMAD SON OF LATE MD SULTAN CHHITAH I WARD NO. 10, P.S. BHAPTIYAH I, DISTRICT- SUPAUL
2. NURO @ NURHASAN SON OF BASIR HAJI RESIDENT OF VILLAGE- CHHITAH I, WARD NO. 10, PS- BHAPTIYAH I, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Aniket Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioners seek bail in connection with Bhaptiyahi P.S. Case No.173 of 2022 registered for the offence under Sections 147, 148 149 341, 307 and 302 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 15.03.2022.

The allegation against both petitioners is to assault informant and others by means of sword, *farsa*, rod, etc. having intention to cause their death and also to commit murder of son of the informant by causing head and bodily injuries, where



occurrence is arises out of pending land dispute.

Learned counsel appearing on behalf of the petitioners submitted that as per narration of FIR, the allegation against these petitioners is very much general and omnibus and limited to be part of mob, where, specific allegation as regard to cause fatal head and bodily injury is against co-accused persons, namely, Ajmul and Karmul. It is submitted that as the occurrence arises out of land dispute, petitioners being family members and close relatives of main co-accused, were implicated falsely with present case, without having any cogent materials. While concluding the argument, it is submitted that both petitioners are men of clean antecedents 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 duly assisted by learned counsel, Mr. Aniket Kumar Thakur, appearing on behalf of the informant, while opposing the prayer of bail, submitted that petitioners along with other co-accused persons were actively participated, during occurrence, causing death of son of the informant.

Considering the facts and circumstances as mentioned above, as allegation against these petitioners is limited to be part



of mob only, where, specific allegation as to cause fatal assault is against co-accused Ajmul and Karmul coupled with the fact that charge-sheet has already submitted, where, petitioners is in custody since 15.03.2023, let both petitioners, above named, are directed to be released on bail in connection with Bhaptiyahi P.S. Case No.173 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District Judge, Supaul/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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