

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41449 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- GOPALGANJ TOWN District- Gopalganj

1. SAHADAT MIAN Son of Reyajudin @ Rayajul Haque @ Tempu Resident of village - Basdila Bajar, P.s. - Gopalganj, Distt. - Gopalganj
2. Shamsheer Mian Son of Reyajudin @ Rayajul Haque @ Tempu Resident of village - Basdila Bajar, P.s. - Gopalganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Gopalganj
Town P.S. Case No. 62 of 2023 dated 28.01.2023 registered for the
offence under Sections 302/34 of the Indian Penal Code.

The petitioners along with others are alleged to have
assaulted the son of the informant with lathi, danda, iron rod and
farsa due to which he died during course of treatment.

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated
in this case. He further submits that on bare perusal of the F.I.R.,
it appears that there is general and omnibus allegation against
the petitioners and no specific allegation of assault is attributed



to them. He further submits that no case under Section 307 of the Indian Penal Code is made out against the petitioners. Moreover, co-accused, Munna Miyan @ Muna Alam @ Mohd Nizamuddin , Firoj Alam and Afroj Ali @ Afroj Alam having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 48714 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 01.02.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that the petitioners along with other accused persons have assaulted the son of the informant causing his death.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 62 of 2023 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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