

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60717 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- BALIGAON District- Vaishali

1. Md. Aslam Son of Late Ali Ahmad R/O Village- Bhagwanpur Khajuri, P.S.- Baligaon, District- Vaishali
2. Chaman Ara Wife of Md. Aslam R/O Village- Bhagwanpur Khajuri, P.S.- Baligaon, District- Vaishali
3. Md. Hamid Son of Md. Aslam R/O Village- Bhagwanpur Khajuri, P.S.- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-02-2023 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 Baligaon
P.S. Case No. 68 of 2022 registered for the offence under
Sections 302 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 12.07.2022.

The allegation against the petitioners is to commit
murder of the father of the informant alongwith other co-



accused persons/family members due to previous enmities, arises out of neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioners submitted that the nature of allegation as regard to assault is appearing very much general and omnibus against all above named petitioners. It is further submitted that no external injuries were noticed, while conducting post-mortem upon the deceased, clearly negating the allegations of informant that his father/deceased was assaulted brutally by petitioner nos. 1 and 3, which also creates a doubt, where informant was available at the time of occurrence being an eye witness. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that the nature of allegation as regard to assault is very much general and omnibus.

Considering the facts and circumstances as mentioned above and by taking note of the nature of assault, which is very much general and omnibus, where no external injuries were noticed, as per post-mortem report, coupled with the fact that charge-sheet has been submitted, let all the petitioners, above



named, are directed to be released on bail in connection with Baligaon P.S. Case No. 68 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 Chief Judicial Magistrate, Vaishali at Hajipur/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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