

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63069 of 2023

Arising Out of PS. Case No.-12 Year-2020 Thana- BATH District- Bhagalpur

1. MD. SHAHRUKH @ SARUKH @ SHARUKH son of Md. Liddu @ Liddu Miyan @ Md. Laddu Village- Charsa Godam Ps- Bath Dist- Bhagalpur
2. MD. IBBO @ IBARAR son of Md. Liddu @ Liddu Miyan @ Md. Laddu Village- Charsa Godam Ps- Bath Dist- Bhagalpur
3. MD. FAIYAZ @ FAIYAZ son of Late Soja @ Md. Shahajaha Village- Charsa Godam Ps- Bath Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and the learned A.P.P.

2. The petitioners have preferred this application for grant of regular bail in connection with Bath P.S. Case No. 12 of 2020 dated 20.3.2020 registered for the offence punishable under Sections 147, 148, 149, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was added.

3. The allegation as per the First Information Report is that on 11.3.2020 at about 9:00 pm, while the informant was in his house, the co-accused Littu Miyan started



pelting stones from the roof of his house. On protest, all the accused persons including the petitioners armed with lathi, iron rod came and on the order of co-accused Littu Miya, all the accused persons assaulted the informant with fists, slaps, lathi and iron rod. It has further been alleged that when the wife of the informant, father and his brother came to save the informant, they were also assaulted by the accused persons on account of which they sustained injuries. During course of treatment, the informant's wife died.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have not committed any offence in the manner alleged. The have falsely been implicated in this case with oblique motive. He has further submitted that though the petitioner is named in the F.I.R. but there is no specific allegation of assault against them. There is general and omnibus allegation against the petitioners. The other co-accused persons have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 9783 of 2021. The petitioners bear clean antecedent as stated in paragraph-3 of the bail petition. The petitioner has been made accused merely on the basis of suspicion. The petitioners are in custody since 14.7.2023.

5. On the other hand, learned A.P.P. has vehemently



opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the petitioners above named are directed to be released on bail on their furnishing bail bond of Rs. 20,000/- (Twenty thousand) each, with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-13th, Bhagalpur, in connection with Bath P.S. Case No.12 of 2020 subject to the following conditions:-

(i) that the learned court below will verify the criminal antecedent of the petitioners and if any stage, the criminal antecedents of the petitioners are found, the bail bonds of the of the petitioners shall be cancelled by the learned court below.

(ii) that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates without reasonable cause, their bail bonds will be liable to be cancelled.

(Chandra Prakash Singh, J)

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