

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21029 of 2024

Arising Out of PS. Case No.-148 Year-2020 Thana- PUPRI District- Sitamarhi

Md. Ibran @ Md. Imran, S/o Late Md. Muslim, R/o Village- Bachcharpur,
P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Dinesh Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Pupri P.S. Case No. 148 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 302/34 of the Indian Penal Code.

3. Allegedly while the informant was going to his house, in the meantime, all the F.I.R. named accused persons intercepted and co-accused Abdul Gaffar assaulted him by means of *Mungri*. When the son of the informant Md. Jiolani came to the rescue co-accused Fulbabu, Guljar and Dilsar along with their mother Sehnaj Begum caught the son of the informant and co-accused Guljar and Dilsar inflicted knife blow, leading to his death, during the course of treatment. The allegation against



the petitioner is of assaulting by means of Bamboo.

4. The learned counsel appearing on behalf of the petitioner submitted that the narrations made in the F.I.R. clearly suggests the specific allegation against co-accused Abdul Gaffar, Guljar and Dilsar. So far the petitioner is concerned, there is allegation that he also assaulted the son of the informant by means of Bamboo, but the post-mortem report does not corroborate such allegation, as no injury has been found on a result of hard and blunt substance. Taking this Court to the post-mortem report, he submits that the opinion of the cause of death is due to haemorrhage and shock, leading to cardiac failure, as result of chest injury due to penetrating object. Thus, he submits that the assault made by the petitioner cannot be said to be the cause of death of the son of the informant. Moreover, other co-accused persons, against whom there is omnibus nature of allegation of assault and pelting stone, have already been allowed the privilege of anticipatory bail in Cr. Misc. No. 1330 of 2021 vide order dated 19.07.2021. It is lastly submitted that the petitioner is in custody since 16.05.2023, having fair antecedent and undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the prayer for bail of three of the co-accused persons, namely, Abdul Gaffar, Guljar and Fulbabu, have been rejected by the different coordinate Benches of this Court.

6. Regard being had to the submissions made on behalf of the parties and considering the role of the petitioner and the post-mortem report, where no injury has been found on account any hard and blunt substance, coupled with the fact that the petitioner is in custody since 16.05.2023, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Pupri P.S. Case No. 148 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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