

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23921 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- CHAUSA District- Madhepura

MD. ISRAFIL S/O MD. BABAR R/O VILLAGE- KALABARI @
KELABARI, WARD NO. 11, P.S- CHAUSA, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Subodh Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Ganesh Prasad Singh, APP
	Mr. Chunnu Kumar, Advocate
	Mr. Rakesh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-09-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 302, 506 and 34 of the I.P.C. in connection with Chausa P.S. Case No.351 of 2023.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is in custody since 21.12.2023 and charges have been framed.

4. It is next submitted that informant alleges that accused persons including the petitioner entered the shop of the informant on 20.12.2023 and the accused persons brutally



assaulted Md. Islam (father of the informant), Md. Amzad (brother of the informant) and Md. Kalim (cousin brother of the informant) by lathi, garasa, spear, rod etc. injuring them, thereafter, the injured were taken to hospital where Md. Islam died and condition of Md. Amzad is critical.

5. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case being agnate of the informant. It is also submitted that there is dispute relating to property. It is next submitted that though from perusal of the allegation as alleged in the FIR, it would manifest that the assault was heinous and brutal, but then the deceased had suffered only one injury. It is thus submitted that had so many accused assaulted the injured persons including the deceased, in that event they would have suffered multiple injuries. It is thus submitted that the injury found on the injured does not corroborate the allegation of assault as alleged in the FIR. It is also submitted that no doubt Md. Islam died during the course of treatment, but whether he died on account of assault made by the petitioner is an issue which is to be sorted out in the trial.

6. It is next submitted that similarly situated co-accused Md. Mustak Alam @ Md. Mustak had approached this



Court seeking anticipatory bail by filing Cr. Misc. No.41902 of 2024 and the same was allowed by an order dated 24.07.2024, thereafter, Md. Babar Ali @ Md. Babar also approached this Court seeking anticipatory bail by filing Cr. Misc. No.42063 of 2024 and the same was also allowed by an order dated 24.07.2024. It is next submitted that since charges have been framed as such the petitioner will cooperate in the trial and would not cause delay in the trial.

7. The learned counsel appearing on behalf of the informant vehemently opposes the regular bail application of the petitioner and submits that Md. Islam died and there is a C.CTv. footage of the assault, but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that as to whether the C.CTv. footage captures the petitioner assaulting the deceased.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj, Madhepura in connection with Chausa P.S. Case No.351 of 2023.



9. However, if the learned trial court comes to a conclusion that petitioner after being released on bail is trying to delay the trial in any manner, the trial court would be at liberty to cancel the bail bonds of the petitioner.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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