

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29043 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- KISHANPUR District- Supaul

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DILSHAD @ MD. DILSHAD SON OF MD. NAEEM ANSARI RESIDENT
OF VILLAGE - BELATEDHA, WARD NO.10, P.S. - KISHANPUR,
DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Kishanpur P.S. Case No. 53 of 2023 registered for the offences punishable under sections 302 and 34 of the Indian Penal Code lodged on 11.03.2023 by the informant, Bibi Jamila Khatton.

3. As per the prosecution story, the allegation is that due to minor issue of falling of leaves in the informant's house, upon objection, the accused persons assaulted which resulted into unfortunate death as she succumbed to the injuries. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that omnibus allegation has been made against five accused persons



including this petitioner, he do not have criminal antecedent and is in custody since 13.07.2023 (as stated in paragraph 17 of the petition).

5. Learned APP opposes the prayer submitting that it was beating by one of the accuseds, which proved fatal.

6. Considering the fact that though an unfortunate death has occurred, omnibus allegation is/are against the accused person, he is in custody since 13.07.2023, FIR lodged and will be facing the trial, this Court is inclined to extend them privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Addl. Dist. & Sessions Judge III, Supaul in connection with Kishanpur P.S. Case No. 53 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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