

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84523 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- BAUNSI District- Araria

1. ASHRAF ALI Son of Hazi Taiyab Ali R/o vill - Dumara, P.S. - Bousi, Distt. - Araria
2. Sajai Noor @ Sajbur Khatoon @ Sajenoor W/o Ashraf Ali R/o vill - Dumara, P.S. - Bousi, Distt. - Araria
3. Halima Khatoon @ Halima W/o Late Md. Shamim R/o vill - Dumara, P.S. - Bousi, Distt. - Araria
4. Md. Kalam @ Kalam Son of Ainul Haque R/o vill - Dumara, P.S. - Bousi, Distt. - Araria
5. Jalum @ Alfajuddin@JULUM Son of Lukman R/o vill - Dumara, P.S. - Bousi, Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-04-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 149, 302 of the Indian Penal Code.

3. As per F.I.R., due to dispute between informant's son (deceased) and his in-laws members over payment of dues, on 19.06.2023, all the accused persons including both petitioners brutally assaulted him (informant's son) and caused him injury. Petitioner no. 1 is alleged to have assaulted



informant's son by danda in his abdomen. On getting such information, the informant and her family members reached there and started searching her son, but in-laws members of informant's son were not found and the villagers informed the informant that in-law family members have brutally assaulted her son and threw the body in the jute field and when the informant reached in Jute field, she found her son in unconscious condition. The informant brought her son at Purnia hospital where the doctor operated his abdomen, due to severe assault, but he could not survive and succumbed to his injury.

4. It is submitted on behalf of petitioners that from bare perusal of the F.I.R., it is apparent that informant is not eye-witness of the occurrence. The informant has not disclosed the source of information on the basis of which she came to know about the alleged occurrence. As a matter of fact, the deceased was a drunkard and was suffering from various ailment and on the fateful day, he took too much wine in the night near the jute field and became senseless and thereafter, these petitioners and other co-accused members took him to Bina Devi Hospital, where different tests were done. Operation of abdomen was also done on 19.06.2023, but the patient did not survive and died on 22.06.2023, but the informant has lodged



this false and concocted case against petitioners and others.
Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail
petition.

6. Considering the aforesaid facts and
circumstances, let the above named petitioners, in the event of
their arrest/surrender within a period of six weeks from today,
be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten
thousand) each with two sureties of the like amount each to the
satisfaction of learned A.C.J.M. - I, Araria in connection with
Bousi P.S. Case No. 122 of 2023, subject to condition as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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