

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74853 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SHAMPUR District- Munger

Md Atiullah @ Md. Atullah, Son of Sk. Maqbool @ Makbul, R/O Vill.-
Gaura, P.S.- Shampur, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate
		Mr. Allama Abdul Quadir Jamal Faridi, Advocate
For the Opposite Party/s	:	Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-01-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Shampur P.S. Case No. 11 of 2024, registered for the offences punishable under Sections 147, 148, 149, 324, 326(A), 307, 302, 504 and 120(B) of the Indian Penal Code.

3. Allegedly on the fateful day when the deceased went to his *sasural* to bring his wife, on account of some dispute all the FIR named accused person including the petitioner started abusing and assaulting the son of the informant, who finally succumbed to the injuries in course of treatment.

4. Learned Advocate appearing on behalf of the



petitioner drawing the attention of this Court to the FIR contended that it is only alleged that the petitioner has also come alongwith other accused persons, containing in his hand a bottle of acid. There is omnibus nature of allegation of causing assault and later on, it is also alleged that accused persons also poured acid, but the allegation levelled in the FIR to the extent, the acid has been sprinkled does not corroborate from the post-mortem report, wherein no burn injury has been found over the body of the deceased. The cause of death is due to hemorrhage, shock and injury to vital organs caused by hard blunt substance. It is further contended that the petitioner, in fact, does not bear any criminal antecedent except, Shampur P.S. Case No. 418 of 2023, which has been lodged by his sister's daughter-in-law; moreover, the same being arising out of a family feud and he is on bail. It is lastly contended that in fact the petitioner being close relative of the wife of the deceased, his name has been implicated in this case with omnibus nature of allegation.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the deceased was brutally assaulted, which led to the death of the petitioner.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the fact that there is no burn injuries over the body of the deceased, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Shampur P.S. Case No. 11 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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