

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.362 of 2025

Arising Out of PS. Case No.-375 Year-2023 Thana- BARSOI District- Katihar

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1. Md. Shamsheer @ Shamsheer S/o Md. Nazir R/o vill - Kaliya Nagar Guwal Toli, P.S. - Barsoi, Distt.- Katihar
 2. Md. Alam S/o Late Jainul Haque R/o vill - Kaliya Nagar Guwal Toli, P.S. - Barsoi, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Informant	:	Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Barsoi P.S. Case No. 375/2023 dated 21.11.2023 registered for the offences under Sections 341/323/324/325/326/307/302 and 34 of the Indian Penal Code.

3. The prosecution case in nutshell is that the informant gave a fardbeyan on 21.11.2023 stating therein that at around 11:30 a.m., her husband namely, Manobar Alam @ Md. Manobar was assaulted by 11 named persons



including the petitioner with rod, lathi, dabiya and sword. It has further been alleged that the informant and her two sons namely, Nasir @ Md. Nasir and Masibul @ Md. Masibul were also assaulted. During course of treatment, the husband of the informant died.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. It is submitted by learned counsel that there is general and omnibus allegation against all the accused persons and one co-accused person namely, Satni Khatoon @ Sahela Khatoon has already been granted bail by a Co-Ordinate Bench of this Court vide order dated 18.01.2025 passed in Cr. Misc. No. 131/2025. Learned counsel further submits that from the post-mortem report, it is clear that the only injury referred in the post-mortem report was found to be simple in nature. It is lastly submitted that the petitioners have no criminal antecedent and they are in custody since 12.08.2024. There is case and counter case for the same incident and the FIR of the case lodged by the accused side has been brought on record by way of Annexure 'P-4'.

5. Learned counsel for the State as well as learned



counsel for the informant jointly oppose the prayer for bail of the petitioners. Learned counsel for the State submits that all the 11 named accused persons have connived altogether and had assaulted the husband of the informant resulting in his death and hence, petitioners does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that similarly situated accused person has already been granted bail by a Co-ordinate Bench of this Court, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Katihar in connection with Barsoi P.S. Case No. 375/2023.

(Sourendra Pandey, J)

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