

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34683 of 2017

Arising Out of PS.Case No. -119 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Khalikuz Zama @ Pappu @ Khalikuzamma Son of Qamaruddin Mian
Resident of Village - Gurwalia Biswas, P.S. - Manuwapul, District - West
Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Anjum Akhter, Advocate

For the Opposite Party/s : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 03-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since
10.01.2017 in a case registered for the offences
punishable under Sections 147, 148, 149, 342, 323, 324,
307 and 302 of the Indian Penal Code.

The prosecution case as lodged by the
informant is that the petitioner along with others have
assaulted the informant and his family members with
Lathi, Iron rod and Farsa as a result of which the son of



the informant, Mazahar Alam succumbed to the injury. The allegation upon the petitioner is of hitting the deceased on the head by means of farsa.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there was a property dispute between the parties and six cases of civil nature including Title suits are pending between both parties. He submits that the independent witnesses have not supported the prosecution case, which is evident from paras 54-55 of the case diary that the petitioner was not present at the place of occurrence at that point of time. He submits that although, the alleged date of occurrence is 02.06.2015 but F.I.R. has been lodged after inordinate delay on 09.06.2015 and no plausible explanation has been given for such delay. He submits initially final form was submitted but subsequent thereto supplementary charge sheet was submitted against the petitioner and that the matter is at the trial stage wherein charges have



already been framed and he undertakes to cooperate in the trial. He also submits that some of the co-accused have already been granted the privilege of bail by a Co-ordinate Bench of this Court Vide Cr. Misc. No. 7592 of 2016 on 22.04.2016 and Cr. Misc. No. 20229 of 2017 dated 30.05.2017.

However, learned counsel appearing on behalf of the informant submits that the petitioner is named in the F.I.R. and that he does not have clean antecedent and as many as eight cases are pending against him. He submits that there is specific allegation against the petitioner of hitting by means of Farsa on the head of the son of the informant.

However, learned A.P.P. for the State, vehemently opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the



like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bettiah, West Champaran in connection with Chanpatia P.S.Case No. 119 of 2015, subject to the conditions that one of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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