

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58292 of 2018

Arising Out of PS.Case No. -514 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sarafraj Khan @ Sarfaj @ Safraj, S/o Shani Khan, resident of Village-
Pokharia Maldahia, P.S.- Sikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-10-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in S.Tr. No. 358/2017, arising
out of Shikarpur P.S. Case No. 514/2016, instituted for the
offences under Sections 147, 148, 149, 323, 324 and 307 of the
Indian Penal Code. Later on Section 302 was also added.

Earlier prayer for bail of the petitioner was rejected by
order dated 28.08.2017 passed in Cr. Misc. No. 31270/2017 with
liberty to renew his prayer for bail after nine months in the event
no substantive progress is made in case. Thereafter, the petitioner
filed bail petition before the court below, which has also been
rejected.

A report was called for from the court below, which has



been received, wherein it is mentioned that out of 10 witnesses, 8 witnesses are still to be examined. The trial is likely to be concluded within nine months.

Allegation against this petitioner is that he had assaulted the father of informant with lathi causing injury on his head.

This Court finds that there is no chance of concluding the trial in near future in spite of direction by this Court to expedite and dispose of the case.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. Vth, Bettiah, West Champaran in S.Tr. No. 358/2017, arising out of Shikarpur P.S. Case No. 514/2016, subject to the conditions that

- (i) both the bailors shall be the close relative of the petitioner.
- (ii) petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner



and

(iii) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J.)

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