

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38794 of 2018

Arising Out of PS. Case No.-172 Year-2017 Thana- RAGHUNATHPUR District- Siwan

SARFRAJ KHAN @ SARFRAZ ALI KHAN @ BADU @ BADDU S/o
Makhul Khan, R/o Vill.- Salempur, P.S.- Raghunathpur, District- Siwan
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Prabhakar Singh, Adv.
For the Opposite Party : Smt. Reena Sinha, APP 163

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 14.05.2018 on surrender in connection with Raghunathpur P.S. Case No. 172 of 2017 for offences alleged under Sections 448, 120(B) and 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as lodged by the informant is that he had heard that his father was shot dead by Junaid Khan, co-accused, on 01.10.2017. When he arrived, he came to know that the petitioner along with three other persons came to his house and while the petitioner and other co-accused, Raj Kishore Yadav, caught hold of his father's hand, one co-accused, Aftab Khan, gave the order to kill his father on which Junaid Khan fired on his father, who succumbed to the injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the main assailant is Junaid Khan and the other co-accused having similar allegation has been granted privilege of pre-arrest bail by coordinate Bench of this Court in Cr. Misc. No. 12415 of 2018, dated 10.04.2018. He submits that even the order giver has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 3918 of 2018, dated 24.01.2018. He submits that the charge sheet has also been submitted and the petitioner undertakes to cooperate in the trial, as and when it commences.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

However, considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Raghunathpur P.S. Case No. 172 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, VIII, Siwan, subject to the following conditions :

(i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

