

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15379 of 2019

Arising Out of PS. Case No.-275 Year-2018 Thana- KHAJEKALA District- Patna

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Jasim @ Bablu @ Ghughraila Bal Wala, Son of Md. Shamim, Resident of
Village - Shekha Ka Rauja, P.s.- Khajekalan, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 14.08.2018 in connection with Session Trial No.780 of 2018 arising out of Khajekalan P.S. Case No.275 of 2018 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case as per the fardbeyan of Asgar Khan recorded by S.I. Khajekala P.S. is to the effect that on 13.08.2018 at 5 :00 P.M., when the informant was returning from his duty, he was informed that his maternal cousin brother, Taveer Alam, has been killed by the FIR named accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against all the FIR named accused persons. Admittedly, the informant is not eye witness to the



alleged occurrence and the petitioner has been roped in the case only on the basis of suspicion. Statement is made in paragraph 3 of the bail application that the petitioner is not having any criminal antecedent. It is further submitted that the co-accused, Tajju @ Ali Imam has been granted regular bail by a Coordinate Bench of this Court vide order dated 16.01.2019 passed in Cr. Misc. No.78712 of 2018.

Learned APP has vehemently opposed the prayer for bail and submits that the petitioner is named in the FIR.

Considering the fact that FIR does not suggest the informant is eye witness to the alleged occurrence coupled with the fact that accusation is general and omnibus against the accused persons and statement being made in paragraph no.3 of the bail petition that the petitioner is not having criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII, Patna in connection with Session Trial No.780 of 2018 arising out of Khajekalan P.S. Case No.275 of 2018.

(Dinesh Kumar Singh, J)

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