

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1822 of 2019

Arising Out of PS. Case No.-179 Year-2015 Thana- SATHI District- West Champaran

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Fazlur Rahman @ Fazlu Rahman @ Fazrul Rahman, son of late Sheikh Jahiruddin, resident of village Danial Parsauna, P.S. Sathi, district West Champaran ... Petitioner

Versus

The State Of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party : Mr. Rajkishore Singh, APP 172

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioner, the learned counsel appearing for the State and the learned counsel for the informant.

The petitioner is languishing in judicial custody since 03.12.2018 in connection with S. Tr. No. 608 of 2018 arising out of Sathi P.S. Case No. 179 of 2015 for the offences alleged under Sections 147, 148, 149, 323, 324, 307, 379, 448 and 504 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that while he and his brother, Zahur Mian, was sitting at his brother's door, the petitioner, along with 15-16 others came, variously armed with weapons and lathis, and while co-accused, Md. Imroz and Jahangir Mian, started assaulting his brother by means of iron rod on his head, other co-accused assaulted the



family members. Zahur Mian was taken to hospital and succumbed during the course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent and except his name in the first information report, no overt act has been alleged against him. He submits that other co-accused have been granted bail on similar allegations and refers to Annexure 3/4, an order passed by the coordinate Bench of this Court in Cr. Misc. No. 15258 of 2016, dated 18.04.2016. The petitioner further undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State and the learned counsel for the informant oppose the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as seven cases are running against him but the petitioner submits that all the earlier cases lodged against him is regarding inimical terms between both the sides.

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 S. Tr. No. 608 of 2018 arising out of Sathi P.S.



Case No. 179 of 2015 to the satisfaction of the Additional Sessions Judge, III, West Champaran at Bettiah, 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.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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