

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30607 of 2019

Arising Out of PS. Case No.-361 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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SK. UMAR FARUKH Son of Sk. Shakil Resident of Village-Chintamanpur,
P.S.-Govindganj (Malahi O.P.), District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 147, 148, 149, 307, 302, 504 and 506 of the Indian Penal Code and 25(1-b)a, 26 and 35/27 of the Arms Act.

The prosecution case in short is that the accused persons shot fire at the son of the informant due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 9.12.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. As far as allegation of assault upon deceased is concerned, the



same is against co-accused namely Sheikh Wazid. There is no allegation against the petitioner for assaulting the deceased. The petitioner is said to have given sword blow on the head of Israr. At best, an offence under section 307 IPC is made out.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. The petitioner along with co-accused namely Ajahar Farukh are said to have given sword blow on the head of the Israr. Specific overt act is alleged against the petitioner and the co-accused Ajahar Farukh. The bail of the co-accused Ajahar Farukh has been rejected by order dated 5.8.2019 passed in Cr. Misc. No. 30911 of 2011 by a Co-ordinate Bench of this Court. The case of the petitioner stands on similar footing as that of co-accused Ajahar Farukh.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner in connection with Malahi (Govindganj) P.S. Case No. 361 of 2018. The same is rejected. The Trial Court is directed to conclude the trial at the earliest.

Pankaj/-

(Sudhir Singh, J)

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