

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41730 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- TEKARI District- Gaya

MD. SARFARAJ Son of Mohiuddin Mian @ Monouddin Mian @
Mohammad Mohiuddin @ Monouddin Resident of Village- Laxmipur, P.S.-
Belaganj, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudha Chandra

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Tekari (Panchanpur O.P.)
P.S. Case No. 157/2018, instituted under Sections 302/24 of the
Indian Penal Code.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 17.12.2018 passed in Cr. Misc. No.
68119/2018 with direction to the court below to conclude the
trial within six months.

It is alleged in the written report that on the date of
occurrence Md. Aftab assaulted the brother of informant with
tangi on his head. It is further alleged that co-accused Md.
Sahdam fired with pistol on the head of brother of informant. It



is further alleged that co-accused Md. Sarfaraz, Mohd. Shamshad and Mohd. Zakir put *Gamcha* around the neck of brother of informant on account of which he died.

Report from the court below about stage of trial has been received, from which it appears that only one witness has been examined till date.

Learned counsel for the petitioner has submitted that Md. Saddam has already been granted bail by a Co-ordinate Bench of this Court vide order dated 11.04.2019 passed in Cr. Misc. No. 74743/2018.

Petitioner is in custody since 14.06.2018.

Keeping in view the period of custody spent by petitioner and only one witness has been examined till date, 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. IVth, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 157/2018, 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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