

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79601 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Sarfraj Alam @ Luckky @ Sahanwaj @ Shahnawaj @ Md. Sarfaraj, son
of Maskoor Alam, resident of Hussainabad, Sufi Colony, P.S. - Babarganj,
Distt.- Bhagalpur. Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Respondent/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioner and State.

The petitioner is in custody in connection with
Kotwali (Tilkamanjhi) P.S. Case No. 254 of 2018 for the offence
under Sections 302, 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner has got no criminal antecedent and he is in custody
since 15.09.2018.

Referring to the prosecution case, learned counsel for
the petitioner submits that the petitioner was not named in the
F.I.R. He further submits that the name of the petitioner surfaced
in the confessional statement of co-accused Md. Seru, who
disclosed that the petitioner was also one of the conspirators. He
submits that similarly circumstanced others including those,
whose names figured in the F.I.R., have been granted bail by



different Co-ordinate Benches of this Court.

Learned counsel for the informant submits that the stand taken by the petitioner is not correct. He submits that investigation has already completed and after completion of the investigation, charge-sheet has been submitted and witnesses have been examined on behalf of the prosecution and as such the petitioner does not deserve bail at this stage.

Considering the fact that the petitioner is in custody since 15.09.2018, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 254 of 2018 with the following conditions:

(i) The bailors should be local persons having sufficient landed property.

(ii) The petitioner will appear on each and every date fixed in the trial by the trial court and even if he fails to appear on any date without any cogent reason, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Anil Kumar Upadhyay, J)

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