

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77750 of 2018

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

MD. AFTAB @ MD.AFTAB ALAM Son of Late Waizul Mian @ Waizul Haque Resident of Village- Laxmipur, Police Station- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Kunwar Narayan Jamuar, Adv.
For the Opposite Party/s :		Mr.Sri Satya Nand Shukla (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 09-01-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Tikari P.S. Case No. 157 of 2018 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Informant has alleged that while he was returning with his brother in the night and in the way they saw 4-5 persons and when inquired from them petitioner who was having tangi in his hand assaulted on the head of his brother as a result of which he sustained sharp cut injury and fell down. There are allegations of causing firing on the head of his



brother by Md. Sadam and similar allegation of assault by Md. Sarfaraj, Md. Samsad and Md. Jakir. Informant has further alleged that due to fear he fled away and after postmortem and last rites of his brother he is filing a written complaint naming five persons as accused including the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. According to postmortem report the cause of death is asphyxia due to strangulation and ligature mark is present around the neck of deceased which does not support the allegation made in fardbeyan. There is no sharp cut injury found on the head of the deceased and all the injuries are lacerated abrasion on head and scalp deep. Petitioner has no criminal antecedent. Petitioner is in custody since 07.08.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya, in connection with Tekari P.S. Case No. 157 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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