

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13029 of 2021**

Arising Out of PS. Case No.-139 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAZA ALI S/o Kadir Hussain R/o- Marwari Mohalla, Ward No. 16, P.S.-
Gopalganj, District- Gopalganj, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s :		Mr. Md. Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2021 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner assisted by Mr. Sumit Shekhar

Pandey, learned Advocate on Record and Mr. Mohammad

Sufyan, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Gopalganj Town P.S. Case No. 139/2020
registered for the offence under Section 302/34 of the Indian
Penal Code. He is in custody since 28.02.2020. Petitioner has no
criminal antecedent.

As per the prosecution story, the first occurrence took
place when the deceased was going to his house after attending
an invitation. On his way the co-accused Chulbul @ Arbaaz
stabbed with knife which injured one hand of the deceased but

somehow he managed to go to his house and told his father about the alleged occurrence. In the second part of the occurrence, it is alleged that the son of the informant (since deceased) was taken to Sadar Hospital, Gopalganj. Both were accompanied by one Shailesh Kumar and while the treatment of the son of the informant was going on and he went to purchase medicines from outside, in the meantime co-accused Chulbul @ Arbaaz along with Vicky @ Sahbaaz, Raza Ali (this petitioner) and 3/4 unknown persons arrived there with intention to kill the son of the informant. It is alleged that all of them attacked the deceased. The specific allegation is that Chulbul @ Arbaaz attacked several times with knife on the head of the son of the informant. Vicky @ Sahbaj and Raza Ali (this petitioner) who were having knife in their hand repeatedly assaulted the deceased and 3/4 other persons had also assaulted by knife whereafter the son of the informant fell down.

Learned Senior Counsel for the petitioner submits that it is a case of over implication of the accused which will be apparent on the face of the F.I.R. wherein on both occasions repeated assault have been attributed to the co-accused Chulbul @ Arbaaz, the specific allegation against this petitioner is that he along with co-accused Vicky @ Sahbaaz had assaulted the

deceased by knife on his back but in the post-mortem report no injury has been shown on the back of the deceased. Moreover, the allegations are also made against 3/4 unknown persons of giving repeated assault by knife, thus, in these circumstances the allegations against the petitioner is only vague and cannot be said to be specific.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however considering the above mentioned facts and circumstances, there being general and omnibus allegation against the petitioner which is not getting corroborated from the post-mortem report and the petitioner has remained in jail for about one half year, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – I, Gopalganj, Bihar in connection with Gopalganj Town P.S. Case No. 139/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal

antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.