

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17176 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

1. Md Sharukh @MD Shahrukh @ Shahrukh Khan (M) 29 years, S/o Md. Iqbal R/o village- Ganichak, P.S.- Mojahidpur, District- Bhagalpur.
2. Md. Kallu @ Md. Afroj (M) 18 years, S/o Md. Nojimuddin R/o village- Gajipur, P.S.- Tarapur, District- Mungher.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 24-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mojahidpur P.S. Case No. 244 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, all the FIR named accused persons, including these petitioners, armed with revolver, rod etc., attacked son of the informant and co-accused Md. Apsar threw a bomb on the informant's son, as a result of which, he sustained injury on his hand & leg and he fell down. It is further alleged that petitioner no. 1 and co-accused Md. Iqbal took out silver chain from the neck of informant's son and Rs. 10,000/- from his pocket. The reason for the occurrence is



that the accused persons used to demand *rangdari* and on refusal, the said occurrence took place.

It is submitted on behalf of petitioners that no such occurrence has taken place. There is general and omnibus allegation of assault. Specific allegation of throwing bomb on informant's son is against co-accused Apsar. So far as petitioner no. 1 is concerned, he is alleged to have taken out silver chain and Rs. 10,000/- cash from informant's son. So far as petitioner no. 2 is concerned, there is no allegation. Petitioners claim clean antecedent and they are in custody since 04.12.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances as well as general & omnibus allegation of assault against these petitioner, period of custody and clean antecedent of the petitioners, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge XI, Bhagalpur in connection with Mojahidpur P.S. Case No. 244 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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