

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16799 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- ARIYARI District- Sheikhpura

ASLAM KHAN Son of Late Ismile Khan R/o Sanaiya, P.S.- Ariyari, Dist.-
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Dinkar Kumar, Adv.
For the Informant	:	Dr. Anjani Prasad Singh, Adv.
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 09-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 307 and other sections of the Indian Penal Code.

As per the prosecution case, it is stated that on the orders of the petitioner, all the accused persons who were armed with lathi and rod brutally assaulted the father of the informant and others as a result of which his father fell down. On being taken to the hospital, he died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the F.I.R., it would transpire that the allegations are general and omnibus in nature. From the contents of the post-



mortem report, only one injury has been found on the body of the deceased. It was much later in course of investigation that on 27.2.2020 it was alleged that it was the petitioner who had given the fatal blow on the father of the informant. The petitioner is in custody since 7.2.2020 and undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that it is the petitioner who is the sole assailant, the allegations having been supported by the witnesses in course of investigation as also the prosecution witnesses who have been examined in course of trial.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the general and omnibus allegations alleged at the first instance as contained in the F.I.R., the single injury which transpired in the post-mortem report and the petitioner having remained in custody since 7.2.2020, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.40 of 2020 (arising out of Ariyari P.S. Case no.14 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional District and Sessions Judge, Sheikhpura.

In view of the fact that two out of the nine witnesses have been examined on behalf of the prosecution, it is directed that the petitioner shall remain physically present in the trial court on each date of the trial and in case of petitioner's absence for reasons not to the satisfaction of the Court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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