

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12222 of 2021

Arising Out of PS. Case No.-195 Year-2019 Thana- MAJHAULIA District- West Champaran

Sk. Saffiullah S/O Late Sk. Gaffur R/V-Bahuarwa, P.S-Majhauilya, District-
West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case
registered for the offence punishable under sections 302/34 of
the Indian Penal Code.

As per the prosecution case, all the FIR named accused
persons including the petitioner came and assaulted husband of
the informant by means of iron rod, farsa etc as a result of
which he sustained injuries. Victim succumbed to the injuries
on 28.4.2019.

Learned counsel for the petitioner submits that the
occurrence took place on 22.3.2019 but the FIR was lodged on
28.4.2019 without explanation of delay in lodging of the FIR.



Post mortem reveals no external injury and the death has been caused due to tuberculosis. No incriminating material has been collected against the petitioner during course of the investigation. There was land dispute between the parties and similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide paragraph 9 of the bail petition. Petitioner is in custody since 31.10.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been collected against the petitioner during course of the investigation and similarly situated co-accused has already been allowed bail by this Court, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah in Majhauriya Police Station Case No. 195 of 2019 on the following conditions:-

(1) 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 the Court and on his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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