

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18734 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- ALINAGAR District- Darbhanga

Md Ashfaque aged about 31 years Son Of Md. Umar Farooque @ Umar Farukh R/O Village- Pirhauili, P.S.- Alinagar, District- Darbhanga.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pankaj Kumar Jha, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-07-2021 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 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, when son of the informant was going to his house all of a sudden all the 10 FIR named accused persons including the petitioner and 25-26 unknown persons surrounded him and started pelting bricks as a result of which he sustained injuries and fell down. Accused persons also assaulted him with fists and slaps. Victim was taken to the DMCH, Darbhanga for treatment where doctors declared him dead.

Learned counsel for the petitioner submits that there is general and omnibus allegation of assault against about 35



persons including the petitioner and no specific allegation has been attributed to the petitioner. It is further submitted that the post mortem report reflects that one swelling measuring 1 ½” in diameter was seen over middle of right parietal region of skull and no other external injury was found on the part of the body of the deceased in the inquest report. Petitioner is in custody since 29.10.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that there is general and omnibus allegation against the petitioner and he is in custody for about nine months, 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 Additional Chief Judicial Magistrate, Benipur, Darbhanga in Alinagar Police Station Case No. 93/2020/GR No.389 of 2020 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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