

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22819 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- DAGARUA District- Purnia

Asfaque, Male, aged about 58 years, Son of Masleuddin @ Maslu, Resident of Village- Hatgachhi, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-11-2021 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with Dagarua P.S. Case No.110 of 2020 registered for offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 302 of the Indian Penal Code.

As per the prosecution story, there was a *Panchayati* at the instance of the informant and in course of *Panchayati*, it is alleged that Wahid Hussain along with co-accused Husnain and 28 persons armed with lethal weapon assaulted informant's son due to which in course of treatment he died.

Learned counsel appearing on behalf of the petitioner submits that there is specific allegation of assault against Wahid Hussain and co-accused Husnain. The petitioner was participating in the *Panchayati* and there is no specific



allegation of any overt act. The petitioner is named at serial no. 21 in the FIR. It has further been submitted that petitioner has no criminal antecedent and he is in custody since 27.12.2020. He further submits that similarly situated co-accused Shahid @ Shahid Alam has been enlarged on bail vide order dated 07.07.2021 passed in Cr. Misc. No. 11031 of 2021 and other co-accused namely Tabrej @ Md. Tabren and Sanobar have also been released on bail by the Court below by bail application nos. 515 of 2021 and 387 of 2021, respectively. He submits that accordingly petitioner be also released on bail.

Learned APP representing the State has opposed the prayer for bail.

Considering the rival submission and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnea in connection with Dagarua P.S. Case No. 110 of 2020, subject to following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J.)

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