

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37861 of 2021

Arising Out of PS. Case No.-269 Year-2020 Thana- KATEYA District- Gopalganj

Surfuddin Rai Alias Surfuddin Ali S/O Nathuni Rai R/O Village-Rajapur,
Kateya, Gopalganj ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

Appearance :

For the Petitioner/s : Priyanka Singh, Advocate

For the Opposite Party/s : Mr. AP Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2021 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 section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, on 15.08.2020 at 8:00 a.m. while the informant was at her home along with her family members, all of sudden all the accused persons named in the F.I.R. including the petitioner having Lathi, rod and other weapons came at her door and began assaulting her husband with Lathi, Danda, legs and slaps. When her father in law came to save him, petitioner inflicted sword on his head with a view to do away his life, which he saved from his hand causing cut injury on his finger and other accused persons also assaulted him with Lathi, Danda. When the mother in law of informant namely Rumali Begum and grand mother in law Rayeesan



Begum came to save her husband, then Mazid inflicted sword blow on the head of her grand mother in law causing cut bleeding injury. When the informant raised alarm, then Afsana Khatoon and Anju Begum took her at their door by dragging her and assaulter her. In the meantime, petitioner, Rozaddin, Babulal rushed there and assaulted her on her back, thigh and waist and abdomen while she was pregnant of two months. In the meantime, Mazid Rai and other entered into her house and took away box containing ornaments of Rs. 50,000/- and cash Rs. 20,000/- and valuable clothes. The accused persons also damaged the utensils and when the people began assembling there, all the accused persons fled away by giving threat. During course of treatment the grand mother in law of informant succumbed to injury.

Learned counsel for the petitioner submits that altogether 13 persons have been named in the FIR. There is general and omnibus allegation of assault against all the accused persons and no specific overt has been alleged against the petitioner. Petitioner is not the assailant of the deceased. There is no injury report with respect to the mother in law of the informant who is alleged to have been assaulted by the petitioner. Petitioner has claimed clean antecedent and he is in custody since 8.1.2021.



Considering the facts and circumstances of the case, 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, Gopalganj in Kateya Police Station Case No. 269 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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