

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28323 of 2020

Arising Out of PS. Case No.-361 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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SHEIKH UMAR FARUKH @ SK. UMAR FARUKH, (Male), aged about 32
years, Son of Shekh Shakil Ahammad @ Seikh Shakil Ahmad, Resident of
Village- Chintamanpur, P.S.- Govindganj Malahi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ansul, Advocate.
For the Opposite Party	:	Mr. A.G.
For the Informant	:	Mr. Prafull Chandra Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner seeks bail in a case for the offence
registered under Sections 147, 148, 149, 307, 302, 504, 506 of
the I.P.C., 25(1-b)a, 26, 35 and 27 of the Arms Act.

The prosecution story, in brief, is that co-accused
Wazid Hussain fired on the son of the informant, namely, Nehal,
on account of which, he sustained gun shot injury and fell down
on the ground and subsequently died. Sheikh Umar Farukh @



Sk. Umar Farukh (petitioner) gave *Sword* blow on another son of the informant, Israr, causing bleeding injury to him. Co-accused Ajahar Farukh also gave *Sword* blow to Israr, another son of the informant. Co-accused Shahid Hussain also fired but it did not hit anybody.

Earlier bail application of the petitioner was rejected by this Court vide Cr. Misc. No. 30607 of 2019 under order dated 20.09.2019, annexed as Annexure-1 to the present application.

A report was called for from the court below regarding the present stage of the case. It has been reported that out of 14 prosecution witnesses, 05 prosecution witnesses have already been examined.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 09.12.2018. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per prosecution case, petitioner is said to have assaulted with *Sword* to one Israr. There is no allegation of causing injury upon the deceased by the petitioner. At best, an offence under Section 307 of the I.P.C. is made out against the



petitioner. The petitioner has already remained in custody for about 02 years. The allegation of assault upon the deceased is against co-accused, namely, Wazid Hussain due to which the deceased succumbed to injury. It has further been pointed out that the injury found on the victim is said to be caused by hard and blunt substance. Hence, injury report of the victim does not corroborate with the allegation made in the F.I.R.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned, in connection with Govindganj (Malahi) P.S. Case No. 361 of 2018, pending in the court of learned C.J.M. East Champaran, Motihari.

(Sudhir Singh, J)

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