

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41071 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- PHULPARAS District- Madhubani

Md. Israfil @ Mohammad Israfil Rain @ Md. Israfil @ Israfil Son Of
Mohammad Majid Resident of Village - Langra Chowk, Jhanjharpur, Police
Station - Jhanjharpur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Adv.

For the Opposite Party/s : Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-04-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Sessions Trial no.53 of
2020 arising out of Phulparas P.S. Case no. 288 of 2019
corresponding to G.R. no.1190 of 2019 registered under sections
307, 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal
Code.

As per allegation in the F.I.R., four accused persons
variously armed with *tangari*, *khanti*, *dabiya* and rod brutally
assaulted the informant. It is stated by the informant that
amongst the assailants, he identified the petitioner herein.

It is submitted by learned counsel for the petitioner



that the allegations as levelled in the F.I.R. are false and concocted. Against the brutal assault by four persons variously armed, the injury which has been found on the informant does not support the allegation as levelled in the F.I.R. The petitioner is in custody since 20.12.2019 and there is no progress whatsoever in the trial.

The application for bail is opposed by learned A.P.P. for the State.

A report with respect to the stage of trial had been called for and as per the report received, although charge has been framed on 13.3.2020 but no witness has been examined on behalf of the prosecution even after more than a year having passed since framing of charge.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the period in custody, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial no.53 of 2020 arising out of Phulparas P.S. Case no. 288 of 2019 corresponding to G.R. no.1190 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge, Jhanjharpur (Madhubani).

In view of the charge having been framed in the case, it is directed that the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may take steps for cancellation of bail bond of the petitioner.

(Partha Sarthy, J)

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