

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9448 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MORKAHI District- Khagaria

Md. Ujala Faridi Son Of Md. Afaque Aalam Resident Of Village - Rasaunk,
P.S. - Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Morkahi P.S. Case No. 44 of 2020 registered for the offence punishable under Sections 147, 341, 323, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that, due to an ongoing dispute of way, he in association with the other co-accused persons assaulted father of the informant and family members by means of stone pelting, lathi, danda etc. Petitioner also fired a gunshot upon the informant as a result of which he sustained injuries.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not



committed any offence as alleged in the FIR. He submits that the alleged occurrence was took place on 24.04.2020 but informant has lodged this case on 03.05.2020 after a lapse of nine days and informant has not given any explanation of the cause of delay. He submits that there is a case and counter case between the parties so it is difficult to ascertain as to which of the party was aggressor and the petitioner and the informant is *Gotiya* and there is a land dispute running between them. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 23.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the fact that F.I.R. was lodged after nine days of the alleged occurrence, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Morkahi P.S. Case No. 44 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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