

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7112 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

MD SUFRAN @ TINTU Son of Late Md. Gufran Khan Resident of Village -
Sahpur Tamouni, P.s.- Kajraili, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kajraili
P.S. Case No. 71 of 2021 registered for the offence under
Sections 147, 148, 149, 307, 325, 302 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.08.2021.

The allegation against the petitioner is to commit
murder of mother of the informant along with other co-accused
persons equipped with *lathi*, *danda*, rod, etc. for dispute arises
due to construction of drain.



Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that nature of allegation as regard to assault against the petitioner is very much general and omnibus. It is submitted that the occurrence was a free fight between the parties in connection with the dispute related with construction of drain, where, both the parties have received injuries. It has further been submitted that one of the co-accused has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court vide order dated 17.05.2022 in Cr. Misc. No. 22582 of 2022. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nature of allegation as regard to the assault is very much general and omnibus.

Considering the facts and circumstances as mentioned above, as nature of allegation as regard to assault is very much general and omnibus coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kajraili P.S. Case No.71 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VIIIth, Bhagalpur, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Imran Khan, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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