

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9998 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- MANIGACHI District- Darbhanga

Akbar Nadaf Son of Kari Nadaf Resident of Village- Bajitpur, P.S.-
Manugachhi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 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
Manigachhi (Bajitpur O.P.) P.S. Case No. 128 of 2021 registered
for the offence under Sections 147, 148, 149, 447, 341, 342,
323, 324, 307 and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.06.2021.

The allegation against the petitioner is to commit
murder of brother of the informant alongwith other co-accused
persons, equipped with deadly weapons like iron rod, spear etc.

Learned counsel appearing on behalf of the petitioner



submitted that from bare perusal of the F.I.R., it appears that the specific allegation, as regard to the fatal blow, is against co-accused persons, namely, Md. Asraf and Md. Aftab and allegation against the petitioner is limited to be a part of the mob only. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and other similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50573 of 2021 dated 15.06.2022.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that specific allegation of assault is not against the petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as specific allegation of fatal blow, as per F.I.R., is not against the petitioner, rather same is against co-accused persons, namely, Md. Asraf and Md. Aftab, let the petitioner, above named, is directed to be released on bail in connection with Manigachhi (Bajitpur O.P.) P.S. Case No. 128 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 Additional Chief Judicial Magistrate-V, Darbhanga, subject to the following conditions:



“(i) 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.

(ii) That one of the bailors shall be Shamarul Khatoon, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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