

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10032 of 2022**

Arising Out of PS. Case No.-113 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

TUNNA KHAN @ MD. TUNNA S/o Late Md. Ajiz Khan R/o village-
English Chichnore, P.S.- Akbarnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, 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
Akbarnagar P.S. Case No. 113 of 2020 registered for the offence
under Sections 341, 323, 385, 308, 506, 435, 379, 34 and 307 of
the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.07.2021.

The allegation against the petitioner is to assault one
of the distant relative of informant, equipped with deadly
weapons like lathi and iron rod with intention to cause death
along with other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is founded over land dispute, and for which counter case has already been lodged by the wife of the petitioner as Akbarnagar P.S. Case No. 114 of 2020. It has further been submitted that nature of allegation as regard to the assault is very much general and omnibus against the petitioner, who is a man of clean antecedent and also with 45% of physical disability, which makes the allegation impossible. 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 assault is very much general and omnibus, as per F.I.R.

Considering the facts and circumstances as mentioned above, as nature of allegation as regard to assault is very much general and omnibus against the petitioner, who is a man of clean antecedent 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 Akbarnagar P.S. Case No. 113 of 2020 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 Ist, Bhagalpur, 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 Ruhi Khatoon @ Ruhi Khatun, who is the daughter of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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