

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16431 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- SHAHKUND District- Bhagalpur

Md. Ebrar @ Laddan @ Abrar Khan, S/o Asfak Khan@ Late Aftab Khan R/o
village- Juakhar, P.S.- Shahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Md. Murad Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-10-2022 Heard Mr. N.K. Agrawal, learned Senior counsel for the petitioner, Mr. Jitendra Kumar Singh, learned APP for the State and Md. Murad Ashraf, learned counsel who represents the informant.

The petitioner is in judicial custody in connection with Shahkund (Sajour) P.S. Case No.59 of 2020 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 354, 307, 379, 506, 120B, 302 of the Indian Penal Code.

As per the prosecution story, when the couple was returning, it is alleged that the named accused persons along with some unknown accuseds brutally assaulted them and it is alleged that while the lady succumbed to the injuries, the husband was hospitalized. The informant is the brother of the injured.



In this matter, case diary was called for on 11.08.2022 and the same has since been received and perused by the learned APP.

Learned Senior Counsel submits that a bare perusal of the FIR would show that there is omnibus allegation against all the accused persons of assaulting the couple which led to the unfortunate death of the lady and injury to the informant's brother. He however submits that no specific role of the petitioner has been attributed, so far as the assault on the deceased lady is concerned. It is his further submission that the other co-accused against whom omnibus allegations were made have since been granted relief by the co-ordinate Benches of this Court vide Annexure-5 Series. It is his last submission that the petitioner is in custody since 13.10.2021 (as stated in para-1 of the bail application).

Learned counsel for the informant on the other hand submits that there is indeed allegation against this petitioner of assaulting the informant's brother causing injuries to him and as such he has opposed the prayer for bail.

Learned APP echos the submission put forward by the learned counsel for the informant. He however acknowledges that in para-57 of the case diary which incorporated the



statement of the injured Meharban shows that there is omnibus allegation against the accused persons including the petitioner herein.

Be that as it may, the petitioner is in custody since 13.10.2021, charge sheet stands submitted, the other co-accuseds have since been released on bail by the co-ordinate Benches of this Court vide Annexure-5 Series and ultimately the petitioner has to face the Trial, this Court is inclined to grant him privilege of bail with conditions so that under no circumstance the Trial is affected due to his release on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Shahkund (Sajour) P.S. Case No.59 of 2020 to the satisfaction of learned S.D.J.M., Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the Trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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