

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13525 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- MANIGACHI District- Darbhanga

Bharat Sadai, Son of Laxman Sadai @ Lakshman Sadai, Resident of Village -
Dahaura, P.S. - Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Iqbal Asif Niazi, Advocate
For the State	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Shakil Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-07-2022 Heard learned counsel for the petitioner and learned
counsel for the informant as well as the learned APP for the
State

The petitioner seeks bail in connection with Sessions
Trial No.07 of 2021 arising out of Manigachhi P.S. Case No.135
of 2020 registered for the offence punishable under Sections
302, 120B/34 of the Indian Penal Code.

The petitioner's prayer for bail was earlier rejected on
09.08.2021 in Cr.Misc. No.2231 of 2021.

The informant's brother was returning after
Panchayati when two named accused along with five unknown
persons have intercepted him and brutally assaulted.

The counsel for the petitioner has submitted that the



petitioner is not one of the two named persons. His name has been stated by the co-accused Sher Ali as being one who has performed the role of liner. There is no allegation by any witness that the petitioner has assaulted the victim. He is said to be one amongst the other five persons who were accompanying the two named accused persons. Other similarly situated co-accused Md. Haider Hajam has been allowed bail in Criminal Miscellaneous No.17583 of 2021, vide order dated 08.10.2021. The petitioner is stated to be in custody now since more than two years and as per the report submitted by the trial court, only five out of eight witnesses have been examined.

Counsel for the informant and learned A.P.P. have opposed the prayer for bail.

However, the stage of trial as per the report and the fact that similarly situated co-accused has been granted bail is undisputed.

The Court considering the period of custody and claim based on parity and the nature of allegations emerging during the course of investigation is inclined to allow the prayer.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-X, Darbhanga, in connection with Sessions Trial No.07 of 2021 arising out of Manigachhi P.S. Case No.135 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

PNM/Shashank

(Madhuresh Prasad, J)

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