

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23394 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- TATARPUR District- Bhagalpur

Md. Shahrukh, S/O Late Md. Mansur Quraishi, R/O Village- Amir Hasan Lane
Jabbarchak, P.S.- Tarapur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Upendra Kumar. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajendra Prasad Sah, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor of the State

The petitioner seeks regular bail, who is in custody in connection with Tatarpur P.S. Case No. 150 of 2021 registered for the offences under Sections 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 04.09.2021 while the brother of the informant was parking his motorcycle, in the meantime, co-accused Md. Azhar Imam @ Azad, Md Sagar and this petitioner surrounded him and it is



alleged that co-accused Md. Sagar shot fire upon the deceased causing his death.

Learned counsel appearing on behalf of the petitioner submits that there is specific allegation of firing against co-accused Md. Sagar and so far this petitioner is concerned, at best, he can be said to be the one of the associate of the main assailant. It is next submitted that there is no independent witnesses to support the prosecution case and moreover, co-accused Md. Azhar Imam @ Azad, against whom there was identical allegation, has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 10971 of 2022 vide order dated 16.06.2022, a copy of the same has been produced before this Court, which is kept on record. It is next submitted that after conclusion of the investigation, the charge-sheet has been submitted.

On the other hand learned counsel for the State vehemently opposes the bail application and submits that this petitioner has taken active participation in the commission of the murder of the deceased.

Having regard to the submission made on behalf of the parties and taking into consideration the fact that co-accused person, having identical allegation, has already been granted



bail by the learned co-ordinate Bench of this Court and this petitioner having attributed no overt act and he is in custody since 23.09.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhagalpur in connection with Tarapur P.S. Case No. 150 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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