

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27164 of 2022

Arising Out of PS. Case No.-585 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Md. Badal @ Erfan @ Salman Son Of Md. Ariba @ Md. Sajim @ Anba R/O
Village- Bhairdhari Ward No.-37, P.S. And District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Saharsa P.S. Case No.585 of 2021 instituted under Section
302/34 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that Gurfan, the petitioner herein and other unknown
persons assaulted his father Md. Zabbar. Later, one Md. Sah
Alam also came and gave order to kill the informant. However,
as the informant raised ‘hulla’, the accused persons fled away.
His father was brought to the hospital where he was declared
dead.



Learned counsel for the petitioner submits that there is omnibus allegation of assault against all the accused persons. He is in custody since 14.08.2021 (as stated in para-7 of the bail application) and has no criminal antecedent. It has lastly been submitted by him that similar placed co-accused, Md. Gufran has since been enlarged on bail by a co-ordinate Bench of this Court vide Cr. Misc. No.2677/2022 on 26.05.2022.

Let the order dated 26.05.2022 passed in Cr. Misc. No. 2677/2022 be kept on record.

Taking into account the fact that he is in custody since 14.08.2021, has no criminal antecedent and one of the similarly placed co-accused has since been released, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Saharsa P.S. Case No.585 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Saharsa, 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 reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his/her presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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