

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44167 of 2021

Arising Out of PS. Case No.-254 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD. ASLAM KHAN Son of Md. Islam Resident of village - Hussainabad,
Markaj Tola, P.S. - Babarganj, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Kotwali (Tilka Manjhi) P.S. Case No. 254 of 2018, for the
offence punishable under Sections 302, 120(B)/34 of the Indian
Penal Code.

The prosecution case, in brief, is that the son of the
informant was murdered by the accused persons named in the
F.I.R. The reason behind the murder is that Rs. Seventy Five
Lakh, as loan, was taken by the main accused Abhishek Kumar
from the Amarjeet Kumar @ Bittu (deceased) to which the
accused persons refused to return.



Learned counsel appearing on behalf of the petitioner submits that the from perusal of the F.I.R. it appears that Abhishek Kumar is the main accused, who was under obligation to pay back loan amount of Rs. Seventy Five Lakh. He further submits that Abhishek Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 20.09.2018 passed in Criminal Miscellaneous No. 47566 of 2018. He further submits that similarly situated co-accused Rinku Singh @ Raj Kumar Singh, Md. Sarfraj Alam @ Luckky @ Sahanwaj @ Shahnawajh @ Md. Sarfraj, Md. Sheru, Md. Asif @ Lal @ Md. Asif Lal, Md. Amir Khan @ Md. Amir and Md. Asif @ Lal @ Md. Asif Lal have already been enlarged on bail vide order dated 20.09.2018 passed in Criminal Miscellaneous No. 55376 of 2018, order dated 11.01.2019 passed in Criminal Miscellaneous No. 79601 of 2018, order dated 30.01.2019 passed in Criminal Miscellaneous No. 4607 of 2019, order dated 15.02.2019 passed in Criminal Miscellaneous No. 79576 of 2018, order dated 28.03.2019 passed in Criminal Miscellaneous No. 1366 of 2019, order dated 17.03.2020 passed in Criminal Miscellaneous No. 58385 of 2019, respectively. He further submits that the only allegation against the petitioner is that he has talked with co-accused Md. Sarfraj Alam @ Luckky



@ Sahanwaj @ Shahnawajh @ Md. Sarfraj.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner is not named in the F.I.R. the main accused Abhishek Kumar has already been enlarged on bail. The informant is not the eye-witness of the occurrence. The petitioner has been implicated in this case on the ground that, on certain occasion, he had talked with Md. Sarfraj Alam @ Luckky @ Sahanwaj @ Shahnawajh @ Md. Sarfraj as has come in course of investigation. There is no allegation of tampering the evidence or influencing the witnesses. The petitioner is in custody since 29.12.2020. In my opinion, prima facie, the petitioner has made out a case to be enlarged on bail on the ground of parity.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XII, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 254 of 2018, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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