

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36605 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

Farhad @ Farhad Alam @ Farhad Hussain Son Of Late Attiullah @ Late
Khatibullah R/O- Village -GUABARI, P.S.- Kundwa Chainpur, Dist.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office, be
removed within four weeks.

The case is registered under sections 147, 148, 149,
323, 324, 307, 302, 504, 506 of the Indian Penal Code, in
connection with Kundwa Chainpur P.S. Case No. 105 of 2020.

As per the prosecution story, the petitioner along
with unknown accused persons variously armed entered the
house of the informant and the allegation is that upon order of
Raisul Azam, Salim Javed and Sarfe Azam fired upon the
deceased and Raiful Azam assaulted one Parvej upon his head
with 'Farsa' whereas Sariful Azam assaulted Kajim upon his



head with 'Farsa'. The last allegation is against Kamre Azam assaulted Vasir Ajam and Ladle Azam assaulted Sanaullah with rod. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that so far as the petitioner is concerned, he has been found to be a part of unlawful assembly but no role has been assigned to him. It is his further submission that he is custody since 6.4.2022 (as stated in para-8 of the bail application) and has no criminal antecedent.

Considering the fact that specific allegations are other co-accused persons, he has been found to be a part of unlawful assembly and no role has been assigned to him, is in custody since 6.4.2022 and charge-sheet stands submitted as also he has clean antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-5th, Sikrahana at Dhaka, in connection with Kundwa Chainpur P.S. Case No. 105 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

Before parting, this Court would like to record its word of appreciation for Mr. Pratik Tandon, learned counsel for the petitioner for the assistance rendered to the Court.

(Rajiv Roy, J)

Ravi/Ajay Singh

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