

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39334 of 2022

Arising Out of PS. Case No.-895 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sagir @ Sarfaraz @ Sarfaraz Alam Son of Hafizullah Ali Resident of village -
Dargah Road, Ward No.- 25, P.O., P.S. and District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Adv. With Mr. Sumit Kr. Jha, Adv. Mr. Dewashish Giri, Adv. Mr. Riya Giri, Adv.
For the Opposite Party/s :		Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gopalganj Town P.S. Case No. 895 of 2021 lodged under
Sections 341, 323, 427, 379, 307, 504, 34 of the I.P.C.

As per the prosecution case, the informant has stated
that on 02.12.2021 at around 10 AM, he sat in his shop, Sheela
Traders which is situated in front of the Bus Stand, Gopalganj,
then the accused petitioner along with other accused armed with
deadly weapons visited to his shop and started abusing. On

protest, they started beating with fist and slap and also started breaking and tainting the articles of the shop. It has been stated in the F.I.R. that the present petitioner along with other accused Shahbaz assaulted with iron rod to the head of the victim due to which he got head injury and bleeding started and in result, he become unconscious and fell on the ground. The allegation of taking of Rs. 1,45,000/- from the cash counter of the shop is there. Upon hue and cry, the accused fled away, threatening the informant to kill. It has been further stated in the F.I.R. that the victim was brought to Sadar Hospital where the doctor referred him for better treatment. With this allegation, the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the allegation of loot and etc. are absolutely false and omnibus in nature. Learned counsel further submits that Section 307 of the I.P.C. is not made out due to the reason that there was no intention of the petitioner to kill anyone. At the spur of moment, this occurrence took place and the injury is simple in nature. He further submits that antecedent of the petitioner is clean and he is in custody since 04.06.2022. Learned counsel further submits that charge sheet has already been filed in this

case. Learned counsel further submits that the other co-accused has also been granted bail from the Session Court itself and his bail was rejected only on the ground that the entire material has not come during the investigation.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 895 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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