

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38326 of 2022

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

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Ladley Azam Son of Manjarul Azam R/O Village- Guabari, P.S.- Kundwa
Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Punit Kumar, Advocate
For the State	:	Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Kundwa

Chainpur P.S. Case No. 105 of 2020 registered for the offence

under Sections 147, 148, 149, 323, 324, 307, 302, 504 and 506

of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 03.02.2022.

The allegation against the petitioner is to commit

murder of cousin brother of the informant, alongwith other co-

accused persons, due to land and neighbourhood disputes and



differences.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is of free fight in nature, where both parties received injuries, for which a counter case was also registered by petitioner's side as Kundwa Chainpur P.S. Case No. 106 of 2020. It is submitted that specific allegation of giving fatal fire arm injury is available against co-accused, namely, Sarfe Azam, as per F.I.R. itself, where the maximum allegation, as raised against this petitioner, is to be a part of the crowd only. It is further submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 982 of 2021 dated 07.04.2021. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as nature of allegation against this petitioner is very much general and omnibus, rather same is specific against co-accused, namely, Sarfe Azam coupled with the fact that



chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kundwa Chainpur P.S. Case No. 105 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Sikrahana at Dhaka, East Champaran, Motihari/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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