

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39284 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- TARABARI District- Araria

MAHMOOD @ PINKU Son of Late Hasib Resident of Mohalla - Baturbari
Ward No.- 17, P.S. - Tarabari, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tarabari
P.S. Case No. 83 of 2021 registered for the offence under
Sections 341, 323, 307, 302, 504, 506 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2021.

The allegation against the petitioner is to commit
murder of father of the informant along with other co-accused
persons, by causing knife injury.



Learned counsel appearing on behalf of the petitioner submitted that specific allegation to give fatal assault by knife is available against named co-accused, namely, Eklakh, where, allegation against this petitioner is of general and omnibus in nature, as regard to assault. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 2799 of 2022 dated 12.05.2022. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation of fatal assault is available against co-accused Eklakh, not against this petitioner rather same is very general and omnibus coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Tarabari P.S. Case No. 83 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Sessions Judge,
Araria/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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