

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59162 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- SUGAULI District- East Champaran

Shekh Tabarak S/O Shekh Korai R/o village- Chhapwa, P.S.- Sugauli,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 13-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Sugauli P.S.Case No. 104 of 2021 for the offences
punishable under Sections 341, 323, 324, 307, 504, 506 of the
Indian Penal Code and section 302 of the IPC was added.

As per the prosecution case, it is alleged that one
Shekh Mubarak, who was in drunken state along with the
petitioner, Shekh Tabarak Shekh Tabrej and Shekh Aftab came
at the door of the informant and assaulted Asma Khatoon by
means of Farsa and Garasa. It is also alleged that they also
assaulted Shekh Anwar, Shekh Aslam and other three persons.



It is submitted on behalf of the counsel for the petitioner that there is general and omnibus allegation against the petitioner and other co-accused persons for assaulting the deceased from Farsa and Garasa. However, post mortem report does not corroborate the allegation. It is next submitted that other co-accused persons namely, Shakh Tabrej and Shekh Aftab have already been granted bail in Cr. Misc. No. 48882 of 2021 vide order dated 21.03.2022. It is lastly submitted that this petitioner has no criminal antecedent and he is in custody since 31.07.2021. Moreover, investigation has concluded.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner has assaulted the deceased.

Having heard the rival contentions of the parties and taking into consideration the fact that there is general and omnibus allegation of assault against all the accused persons including the petitioner, and other co-accused, having similar allegation have already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran in connection with Sugauli P.S. Case No. 104 of



2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U			
---	--	--	--

