

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62317 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- SABAUR District- Bhagalpur

MD. SARFARAJ @ MD. LADDU S/O MD. TAMIL R/o village- Bari
Ibrahimpur, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120(B) and of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 26.03.2021 at about 7:30 PM when her husband was standing at his door then ten named accused persons, including the petitioner, variously armed came on a motorcycle and four-wheeler and after that shot the husband of the informant who died.

Learned counsel for the petitioner submits that from



bare perusal of allegation as alleged in the FIR, it would manifest that petitioner has been falsely implicated in the present case, it is next submitted that informant is an eye-witness to the occurrence and was also knowing the accused persons from before but still did not specifically allege that who fired killing the deceased, it is next submitted that the deceased had executed a rent agreement with the brother of the petitioner for a period of 50 years for a shop, it is further submitted that when the business picked-up dispute arose and prior to the period of rent agreement and the informant wanted the petitioner and his brother to leave the shop and thus in order to coerce them into submission the present false case was instituted, it is next submitted that police, during the course of investigation, investigated the case threadbare and from perusal of Para-6 of the supplementary case diary, it would manifest that it has been recorded that the occurrence was committed by Niranjana and Imraj.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sabour P.S. Case No. 84 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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