

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62581 of 2021**

Arising Out of PS. Case No.-146 Year-2021 Thana- BIKRAMGANJ District- Rohtas

MD. RAJAN KHAN @ SARFARAJ KHAN Son of Sarfuddin Khan @ Mullu
Driver Resident of Village - Gulzarbag, Police Station - Bikramganj, District -
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63111 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- BIKRAMGANJ District- Rohtas

MANNU KHAN @ MANU KHAN @ NAHID KHAN Son of Shahid Khan
@ Dara Khan Resident of Mohalla- Ahmad Nagar, Gulzarbag, Ward No. 25,
Bikramganj, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62581 of 2021)

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 63111 of 2021)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 18-07-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 302/34 of the Indian Penal Code.

The cousin of the informant is said to have been
assaulted by the petitioner and others due to which he sustained



injuries and died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to the petitioners. He further submits that the postmortem report reveals that doctor did not find any fatal injury on the person of the deceased. He further submits that no case under Section 302 of the Indian Penal Code is made out against the petitioner. The petitioner, namely, Md. Rajan Khan @ Sarfaraj Khan is rotting in judicial custody since 08.05.2021 whereas the petitioner, namely, Mannu Khan @ Manu Khan @ Nahid Khan has been rotting in judicial custody since 01.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bikramganj P.S. Case No. 146 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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