

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54489 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- MANIHARI District- Katihar

MD JAFUL S/o Md. Munkeer Resident of Village- Bauliya Gumti, P.S.-
Manihari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 302, 324/34
of the Indian Penal Code and Section 27 of the Arms Act, in
connection with Manihari P.S. Case No. 201 of 2021.

As per the FIR, the informant alleged that as his
father stand up after finishing his work, one Md. Azgar shot
him from behind while the other accused persons including the
petitioner herein were found to be fleeing away with the fire-
arms in their hands. Further allegation against Md. Muktar is of
giving signal to leave the place.

The injured was later taken to Katihar Sub-



Divisional Hospital, Manihari and then to Sub-Divisional Hospital, Katihar and finally to Katihar Medical College where the doctors declared him dead.

Learned counsel for the petitioner submits that in the FIR, specific allegation is against Md. Azgar of opening fire which resulted into death of the informant's father.

So far as the petitioner is concerned, there is only allegation of leaving the place with fire-arms in his hand.

Taking into account the aforesaid facts that there is specific allegation against Md. Azgar of opening firing causing the death of the informant's father, the petitioner is in custody since 25.2.2022 and he do not have any criminal history, this Court is inclined to grant him the privilege of bail. If however, it is found that the statement made in para-3 regarding criminal history is incorrect, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-IV, Katihar, in S.Tr. No. 307 of 2022 arising out of Manihari P.S. Case No. 201 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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