

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55294 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Md Sarfaraj Alam @ Md Sarfaraj Ahmad, Son Of Abdul Kaiyum, Resident of
Village- Thawa, P.S.- Jhajha, District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mandira Sau, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with G.R.P. Jhajha P.S. Case No.21/2021 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code. He is in custody since 17.08.2022. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant alleges that about ten days back there was a fight between the children of the two families. It is further alleged that the petitioner along with other named accused persons came to the house of the informant and threatened the husband of the informant that he would be killed and nothing will happen to him as he is a member of the Zila Parishad. Thereafter, it is alleged that on 21.02.2021, the deceased along



with his friends came to the shop of the informant and had taken dinner and had gone with them. It is alleged that thereafter he did not return home and in the next morning his dead body was found near the railway track.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no eye witness to the alleged occurrence and the name of the petitioner has surfaced only on the basis of suspicion. It is submitted that the petitioner is in custody since 16.08.2022 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein from the FIR itself it appears that the husband of the informant had taken dinner with co-accused Rajesh Yadav, Mukka Yadav, Basudeo Turi and Degan Yadav and thereafter he had gone with them whereafter he did not return home, so far as this petitioner is concerned, only allegation is that earlier at one point of time on account of some dispute with the children in the two families the petitioner and two others had come to the house of the informant and threatened him, the persons with whom the husband of the informant had gone during night hours have been granted bail by learned coordinate Bench of this Court in



Cr.Misc.No.55101 of 2021 and Cr.Misc.No.7924, there being no other material to connect the petitioner at this stage, investigation against the petitioner is complete and his presence may be secured in course of trial, hence, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul in connection with G.R.P. Jhajha P.S. Case No.21/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

