

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67519 of 2021**

Arising Out of PS. Case No.-50 Year-2020 Thana- SATHI District- West Champaran

Sk. Zulfikar @ Sk. Zulfigar Son Of Sk. Jhagru Resident Of Village -
Adhkapariya, P.S.- Ramgarhwa, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

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

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

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Sathi P.S. Case No. 50 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 379, 307, 302, 427, 504, 506 of the Indian Penal Code. He is in custody since 14.08.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 24.04.2020 at about 11:00 A.M. when the informant along with his family members and Suresh Mukhiya were harvesting wheat crop, the co-accused SK. Ladu and Hasmullah were crossing the informant's cane field by their tractor. When the informant stopped them not to cross his cane field with tractor, the



accused persons started abusing him and assaulted the father of the informant due to which one tooth of informant's father was broken. On hulla, local people came there and pacified the matter but after some time at about 11:45 A.M., all the FIR named accused persons with 50-60 unknown persons variously armed returned there and assaulted the informant on his head as a result of which he died in course of treatment.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in course of investigation and two months after the alleged occurrence one of the witnesses has come forward to say that the petitioner was also present at the alleged place of occurrence and assaulted the deceased. The petitioner has remained in custody in the present case since 14.08.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that in the FIR, 9 persons are named accused whereas approximately 50-60 persons are unknown, so far as this petitioner is concerned, his name has transpired in course of investigation and two months after the alleged occurrence one of the witnesses has come forward to say that the petitioner was also present and he also assaulted the deceased, the submission being that the said witness Amaluddin has been examined



by I.O. after two months and the petitioner is in custody since 14.08.2021, investigation against him is complete and further his presence may also be secured in course of trial, therefore, 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 Chief Judicial Magistrate, Bettiah (West Champaran) in connection with Sathi P.S. Case No. 50 of 2020, 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 steps 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)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

