

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71008 of 2021

Arising Out of PS. Case No.-40 Year-2016 Thana- DUMARIYA District- Gaya

Azhar Sabri, Son of Alauddin Ansari Resident of Village- Adarchak, P.S.-
Dumariya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dumariya P.S. Case No. 40 of 2016 (G.R. No.
876 of 2016) registered for the alleged offences under Sections
147, 148, 149, 341, 504, 323, 324, 325, 307, 302, 448 and 380
of the Indian Penal Code.

As per prosecution case, the petitioner along with
other co-accused persons assaulted the father and the uncle of
the informant and also his other family members over some
minor dispute which arose due to altercation between the



children of the two families. Subsequently, the father and the uncle of the informant died while under going treatment.

The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against the petitioner and other co-accused persons are general, vague and omnibus. Other similarly placed persons have been granted bail vide order dated 01.05.2017 passed in Cr. Misc. No. 13641 of 2017 and order dated 16.11.2017 passed in Cr. Misc. No. 52962 of 2017. The petitioner is in custody since 08.09.2021 and charge-sheet has been submitted. The petitioner has no criminal history.

Learned APP opposes the prayer for bail submitting that the petitioner and a large number of persons assaulted the father and the uncle of the informant, as a result of which they died during their treatment.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to the petitioner and the allegations are omnibus against the petitioner and twenty other co-accused persons and some of them have been granted bail by Co-ordinate Benches and also considering the period of custody of the petitioner



along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Dumariya P.S. Case No. 40 of 2016 (G.R. No. 876 of 2016), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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