

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.304 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- HARSIDHI District- East Champaran

Ashjad Alam Son of Md. Sharif Mian Resident of Village - Shishwa
Maldahiya, P.S. - Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 320 of 2021 registered for the offence under
Sections 364, 120(B) and 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.08.2021.

The allegation against the petitioner is to commit
murder of son of informant along with co-accused persons for
certain previous enmity / disputes.

Learned counsel appearing on behalf of the petitioner
submitted that entire allegation is based upon suspicion, where



the informant is not the eye-witness of the occurrence. It has further been submitted that even the statement of witnesses to be taken into consideration, the only allegation which is surfacing against the petitioner is to be part of conspiracy. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that allegation is very much general and omnibus for which investigation has been completed, where charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the informant is not the eye-witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as nothing surfaced against the petitioner, during course of investigation in the background of fact that informant is not eye-witness of the occurrence, as per FIR coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Harsidhi P.S. Case No. 320 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari, East Champaran, subject to the following conditions:

“(i) *Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

(ii) That one of the bailors shall be Md. Sharif Miyan, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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