

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7369 of 2023**

Arising Out of PS. Case No.-71 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

Md. Azamullah @ Azamullah Sharfi, Son of Late Salimullah R/v- Paharia,
P.S.- Sheikhopursarai, Dist- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Sheikhopur Sarai P.S. Case No.71 of 2020 lodged under Sections 147, 148, 149, 448, 341, 323, 504, 354, 307, 379 and 506 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code.

There were 11 persons made accused in the present case. As per the allegation, all the accused persons have entered into the house of the informant. Specific allegation firstly upon Md. Chand @ Irshad, who made fire but missed, thereafter he was assaulted by the butt of the pistol. Thereafter, three persons including the petitioner assaulted by *lathi* and *danda* on the head of Md. Aslam, who is deceased.



Learned counsel for the petitioner submits that specific allegation of assaulting by *lathi* and *danda* to the deceased is upon three persons and the petitioner has individually not assaulted the deceased. He further submits that antecedent of the petitioner is clean and he is in custody since 16.11.2022 and charge-sheet has already been submitted in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the case record was produced before the Sessions Court and the Sessions Court has observed that the present petitioner has badly assaulted, due to which the fracture took place and the deceased died, which is supported by postmortem report.

Considered the submissions of the parties.

During the investigation, it has come that the petitioner is an absconder. Annexure-2 is the photocopy of the attendance register which shows that on the date of occurrence, the petitioner was on duty in the school.

Considering the fact that the petitioner is the headmaster in a Government School, he was on duty on the date



of occurrence, allegation of assaulting the deceased is on three persons and he has clean antecedent, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhopur Sarai P.S. Case No.71 of 2020.

(Sandeep Kumar, J)

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