

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20204 of 2023

Arising Out of PS. Case No.-827 Year-2021 Thana- ARARIA District- Araria

MD. BECHAN @ ASHRAF ALI @ ASHRAF S/O SAKIB Resident of
village- Sisona, Ward no.- 2, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Araria P.S. Case No.827 of 2021 instituted under Section 302/34 of the IPC lodged on 19.09.2021 by the informant Saima Firdosh.

As per the prosecution story the allegation is that the informant's husband went to the house of his neighbour Asik who informed his family members and all of them assaulted her husband. He was taken to hospital but died on way.

It is the case of the petitioner that the deceased was a thief and had entered for theft purposes, there may have been some assault, allegations are omnibus in nature for which the petitioner has already suffered by being in custody since 20.07.2022 (para-16 of the petition) and do not have criminal antecedent.



Learned APP opposes the prayer for bail stating that he may have entered the house but was brutally assaulted.

Taking into account the submissions put forward by the learned counsel for the petitioner, the allegation is omnibus in nature, the petitioner do not have criminal antecedent and is in custody since 20.07.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Araria P.S. Case No.827 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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

