

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16471 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

MD. SARFARAJ Son of Md. Nasim R/V- Dhusmar Chikanighat, Khaira, PS-
Muffasil, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
03.09.2022, in connection with Sessions Trial No. 51 of 2023
arising out of Muffasil P.S. Case No. 153 of 2022, F.I.R. dated
31.08.2022 registered for the offences punishable under Sections
302, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, the informant alleges that
about 20 days back from the date of occurrence, Md. Sarfaraj and
Md. Guddu misbehaved with her daughter due to which a
Panchayati was held and both were found guilty. Thereafter, Md.
Sarfaraj and Md. Guddu used to threatened her deceased son
namely Md. Masoom. On 31.08.2022 two villagers namely Md.
Jamuil and Md. Sajjad called her deceased son from the house for



some urgent work and did not return home and in course of search, her son was lying dead near Khaira Railway Gumti.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion and 20 days before from the date of occurrence a scuffle had taken place between the petitioner and the son of the informant. He further submits that except the suspicion, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the petitioner has been implicated in the present case due to previous enmity. He further submits that co-accused Md. Guddu has been granted bail by a Coordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 6985 of 2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar in connection with Sessions Trial No. 51 of 2023 arising out of Muffasil P.S. Case No. 153 of



2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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