

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21770 of 2023**

Arising Out of PS. Case No.-354 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

Md. Sarfaraz @ Nanki, Gender-Male, Aged about 20 years, Son of Md. Hamid, Resident of Village - Nagdah, Ward No.- 10, P.S.- Mufassil, District – Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr. Sanjeet Kumar, Advocate
For the Informant	:	Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party	:	Mr. Mukesh Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mufassil P.S. Case No. 354 of 2022 dated 07.07.2022, instituted for the offence punishable under Sections 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act and further Section 302 of the Indian Penal Code has been added.

3. Allegation against the petitioner including the co-accused persons is that they armed with weapon and started indiscriminate firing on the chest of the informant's father due to which, he sustained injury and later on, he died during the course of his treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the F.I.R. was lodged against the accused Krishna Paswan and five to seven unknown persons, who fired on the informant's father due to which, he succumbed injury but from perusal of the postmortem report which is mentioned in paragraph 54 of the case diary that only one entry wound on the body of the deceased and the doctor opined the nature of injury is grievous and caused by fire arm. Further, it is submitted that another co-accused, namely, Upendra Sah and Md. Rahul have already been granted bail by a Co-ordinate Bench of this Court *vide Order dated 20.04.2023 and 12.05.2023* passed in *Criminal Miscellaneous No. 73014 of 2022* and in *Criminal Miscellaneous No. 17505 of 2023* respectively. Lastly, it has been submitted that the petitioner is in custody since 25.10.2022 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Judicial Magistrate, 1st
Class, Begusarai in Mufassil P.S. Case No. 354 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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

