

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38454 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- BIRAUL District- Darbhanga

Sageer Nadaf @ Md Sageer Nadaf S/O Md. Sakur Nadaf R/O Village- Saho,
PS. Biraul, Dist. Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Biraul
P.S. Case No. 105 of 2022 registered for the offence under
Sections 326, 302/34 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 13.04.2023.

5. The allegation against the petitioner is to commit
murder of father-in-law of the the informant alongwith other co-
accused persons by inflicting injuries using sharp-edged
weapon, where occurrence arises out of previous enmities.

6. Learned counsel appearing on behalf of the



petitioner submitted that as per the narration of F.I.R., it appears that son of deceased Md. Tufail Khan was the eye witness of the occurrence but the F.I.R. was lodged by daughter-in-law of the deceased, where information furnished by first informant is on the basis of hearsay input, making entire implication false and suspicious on its face. It is submitted that even the narration of F.I.R. be taken into consideration the allegation is appearing very much general and omnibus against this petitioner. It is further submitted that similarly situated co-accused, namely, Sakur Nadaf has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37784 of 2022 vide order dated 18.10.2022. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where entire implication is based upon hearsay input, suggesting general and omnibus allegation against this petitioner coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 13.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Biraul P.S. Case No. 105 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Biraul, Darbhanga/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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

