

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46035 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- MURLIGANJ District- Madhepura

MD. TAJJO @ MD. TAJMUL SAH S/O MD. AJIJ SAH, Resident of village-
Chandisthan, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 326, 307, 302
and 34 of the Indian Penal Code.

According to prosecution case, on 08.02.2022 at about
10.00 P.M. when the informant along with his brother namely
Pawan Kumar Yadav and other two persons were returning after
seeing fair from two motorcycles, the petitioner along with co-
accused namely, Md. Nausan, Ashish Kumar, Md. Akhlesh
Kumar, Prashant Kumar, Dharmendra Kumar and 3-4 unknown



persons with 3-4 motorcycle came there and dashed the informant's motorcycle, due to which his motorcycle fell down. When the informant objected to it then all the accused persons with intention to kill, took out knives and gave 3-4 knife blows on the chest of informant's brother. The accused persons also gave knife blows on the neck of Nilesh Kumar Yadav. Thereafter, all the accused persons fled away from their motorcycle. The injured persons were taken to hospital at Murliganj, where the doctor declared informant's brother dead while other injured namely, Nilesh was sent to Madhepura for further treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation against all the accused persons including the petitioner and the similarly situated co-accused persons namely, Prashant Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 50087 of 2022 and other co-accused namely Md. Akhlakh has been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2022 passed in Cr. Misc. No. 38528 of 2022. The police after investigation



submitted the charge sheet against the petitioner. The petitioner is in custody since 11.03.2022.

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

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Murliganj P.S. Case No. 66/ 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 witnesses, 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 antecedent, 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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