

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61116 of 2022

Arising Out of PS. Case No.-71 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

Md. Sarfaraj Alam @ Md. Sarfaraz Ahmad Son Of Late Sirajuddin @ Late
Serajuddin, R/V- Charihari (Charyari), P.S.- Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bharat Lal, Advocate
For the Informant	:	Mr. Dharendra Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sheikhopur Sarai P.S. Case No. 71 of 2020 lodged under
Sections 147, 148, 149, 448, 341, 323, 504, 354, 307, 379 and
506 of the I.P.C. and later on Section 302 of I.P.C. added.

As per the prosecution, there were 11 persons made
accused in the present case. As per the allegation part, all the 11
accused persons have entered in the house of the informant. The
specific allegation firstly upon Md. Chand @ Irshad who made
fire but missed, thereafter he has assaulted by the *butt* on her



head. Thereafter, 3 persons, the petitioner and 2 others assaulted by *lathi* and *danda* on the head of Md. Aslam who is deceased.

Learned counsel for the petitioner submits that the specific allegation of assaulting by *lathi* and *danda* to the deceased is upon 3 persons and petitioner has individually not assaulted. He further submits that antecedent of the petitioner is clean, he is in custody since 30.08.2022 and charge sheet has already been submitted in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the case record was produced before the Sessions Court and Sessions Court has observed that the present petitioner and 2 others have badly assaulted, due to which the fracture took place and the deceased died which is supported by post mortem report. Counsel also submits that it is only due to the present petitioner, the trial is delayed because he is absconding from two years.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, bail petition of the petitioner is hereby rejected.



But liberty is hereby granted to the petitioner that he may renew his prayer for bail after one year from the date of framing of charge.

(Dr. Anshuman, J.)

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