

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70332 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- HARSIDHI District- East Champaran

TARJAN KHAN @ MOHAMMAD AJHARUDDIN KHAN Son of Bhola Khan @ Mojamil Khan Resident of Village- Paithanpatti, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 302, 504 of the Indian Penal Code.

The allegation against the petitioner is to commit the murder of brother of the informant along with other nine co-accused persons by making an assault by lathi, rod etc., causing head and other bodily injuries, where dispute founded over neighbourhood dispute and differences.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to prior dispute. It is further submitted that there is no specific overt-act of assault is



against this petitioner rather general and omnibus allegation leveled against him. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order 24.2.2023 passed in Cr. Misc. No. 62279 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 16.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Harsidhi P.S. Case No. 358 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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