

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70958 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- SINGHESHWAR District- Madhepura

Md. Sarfuddin Son Of Late Mir Sahrudin @ Mir Zakir R/O Village-
Jhitkiya, Ward No.2, P.S.- Singhreshwar, District- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Singheshwar P.S. Case No. 124 of 2023 lodged under Sections
341, 323, 307, 354B, 379, 504, 506 and 34 of the I.P.C. read
with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named and 10-15 unknown accused persons
with allegation that they all reached at the house of the
informant and started abusing and subsequently, the specific
allegation against the present petitioner is that he has fired upon
the informant, but due to miss firing, the injury has not been
caused to the informant, but other persons have assaulted by
iron rod and *lathi danda*.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the content of F.I.R., the specific allegation has been made of firing, but by the said firing, no injury was caused to anyone and thereafter a general and omnibus allegation against all the accused persons that they have assaulted by iron rod and lathi danda.

5. Counsel for the petitioner submits that petitioner is in custody since 20.07.2023 having clean antecedent. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Counsel further submits that he has annexed injury report in which no definite opinion has come and injury report is reserved.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar P.S. Case No. 124



of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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