

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3263 of 2023**

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

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Md. Taki Imam @ Kunal Son of Late Md. Hasan Imam Resident of village -
Charyari, P.S.- Sheikhpura, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.
For the Opposite Party/s : Mr. Dinesh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Ms. Vaishnavi Singh, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sheikhopur Sarai P.S. Case No. 71 of 2020,
registered for the offences punishable under Sections 147, 148,
149, 448, 341, 323, 504, 354, 307, 379 and 506 of the Indian
Penal Code. Later on, Section 302 of the Indian Penal Code was
added.

It is alleged that while the informant was sitting in her
house in the meanwhile all the FIR named accused persons, ten
in number, including the petitioner barged into her house and
started assaulting her. It is specifically alleged that when protest



was made, co-accused Md. Chand @ Irshad fired from the pistol but the same was misfired and thereafter he assaulted her with butt of the pistol on her head. Further allegation has been leveled that when the brother-in-law of the informant came to save her, co-accused Md. Sarfraz, Ajamulla, Shadulla assaulted him by means of *lathi* and *danda* on his head, due to which he received serious injuries, who later on succumbed during the course of treatment. Further, general and omnibus allegation has also been leveled against all the accused persons.

Learned counsel appearing on behalf of the petitioner with reference to the written report submits that from the FIR, it is evident that save and except, the petitioner being name lender there is neither any allegation of his complicity in the present crime nor allegation of any assault has been made against him. She further submits that co-accused against whom, specific allegation of assault on the informant is made, has already been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 12400 of 2023 vide order dated 24.04.2023. She next submits that the petitioner having fair antecedent, is in custody since 22.11.2022. Other co-accused persons against whom there is general and omnibus allegation, have also been allowed bail by the court below itself.



On the other hand learned APP for the State vehemently opposes the bail application and submits that on account of assault made by co-accused persons the brother-in-law of the informant died after ten days of the occurrence.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation coupled with the fact that other co-accused persons having more or less similar allegation have been allowed bail by the learned Co-ordinate bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 71 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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