

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23542 of 2024

Arising Out of PS. Case No.-1152 Year-2023 Thana- ARARIA District- Araria

Arshad @ Arshad Alam son of Baddo @ Badiuzzama Village- Kharhiya Basti
W.No-11, Ps Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Mr. Nadimul Hasan, Advocate
For the State	:	Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. N.K. Agrawal, learned counsel for the

petitioner and Ms. Madhuri Lata, learned A.P.P. appearing on

behalf of the State.

2. The petitioner seeks bail, who is in custody since
20.01.2024, in connection with Araria P.S. Case No. 1152 of
2023, F.I.R. dated 03.12.2023 registered for the offence under
Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with
other co-accused persons is said to have killed the brother-in-
law of the informant by tightening his neck by a roop.

4. Learned senior counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He further
submits that from a bare perusal of the FIR It appears that there
is no specific allegation of any assault or overt act attributed



against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that main occurrence has taken place with Ansarul, who is cousin brother of the petitioner, and the petitioner has no role at all in the alleged occurrence apart from that FIR is in two parts, in first part, there is general and omnibus allegation against the petitioner and, in the second part, the informant has suspected that the petitioner along with other co-accused persons has committed murder of the brother-in-law of the informant. He further submits that it appears from the FIR that the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.01.2024.

5. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR but fairly submits that there is no specific allegation against the petitioner rather general and omnibus allegation against all the accused persons including the petitioner.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned C.J.M., Araria at Araria in connection with Araria P.S. Case No. 1152 of 2023 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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