

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35055 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- SURSAND District- Sitamarhi

Md Sarfaraz @ Sarfaraz @ Chunna @ Md Sarfaraz Ahmad Son of Abdul
Hannan Resident of Village- Parsa, P.S- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 323, 324, 307, 379, 452, 354, 427, 504, 506/34 of the IPC.

3. Earlier, the application for anticipatory bail of this petitioner was dismissed as withdrawn for the reason that the petition suppressed his criminal antecedent vide order dated 16.10.2023 passed in Cr. Misc. No.60264 of 2023.

4. As per the prosecution case, F.I.R. has been lodged against six named accused persons including the petitioner alleging that they attacked by sword on the head of the informant and his brother.

5. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence, in the manner as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. There is general and omnibus allegation against the petitioner. The petitioner has two criminal antecedent and he has been languishing in custody since 20.02.2024.

5. Learned APP for the State opposed the prayer for bail by submitting that petitioner is also involved in the present occurrence and similarly situated co-accused have been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2023 passed in Cr. Misc. No.65999 of 2023 with several conditions.

6. Considering the facts and circumstances of this case and that similarly situated co-accused have been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Sursand P.S. Case No.367 of 2023, with the following conditions:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show their
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 their
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.

(Anjani Kumar Sharan, J)

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