

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3583 of 2025

Arising Out of PS. Case No.-437 Year-2022 Thana- KOTWA District- East Champaran

Sarfuddin Mian Son of Kurban Minya Resident of Village - Belwa, Police
Station - Kotwa, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Kotwa
P.S. Case No. 437 of 2022 dated 02.11.2022 registered for the
offence punishable under Sections 341, 323, 354(B), 302, 504
and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of
occurrence when the informant went to her cow shed for feeding
fodder to the buffalo, the petitioner took advantage of her
loneliness, caught the informant and with intention to rape her,
forcibly pulled her and took her away in the thatched house. The
informant made objection and started crying. On hearing sound
of crying of the informant, her grandfather came to save her,
then the petitioner assaulted him with fists on his chest and



pushed him, due to which he fell down on the ground, thereafter the petitioner assaulted him with fists and leg, as a result of which, he died. The petitioner also assaulted the informant with fists and leg, due to which she fell down and became unconscious.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that on perusal of post-mortem report, it appears that no any external injury was found on the body of the deceased. It is also submitted that both the parties are close agnates and due to previous land dispute an altercation took place between them. Lastly, it has been submitted that the petitioner is in custody since 23.07.2024, having two criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East



Champaran in connection with Kotwa P.S. Case No. 437 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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