

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49090 of 2015

Arising Out of PS.Case No. -163 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

1. Najit @ Md. Najit @ Najit Alam son of Md. Ishaque @ Isahaque Alam
resident of Village- Sikatia Bairia, P.S. Azam Nagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the informant Md. Musowir, Adv.

For the Opposite Party/s : Md. T.P.Mandal(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-12-2015 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Azam
Nagar P.S. Case No. 163 of 2015 registered for the offences
punishable under Sections 307/120(B) of the Indian Penal Code
and Section 27 of the Arms Act.

Allegedly the petitioner shot the informant and fled
away.

Submission is of false implication due to the reason
that the brother of the informant namely, Md. Muzaffar committed
rape with the sister-in-law of the petitioner namely, Arjan Khatoon



and for that Complaint case no. 2215 of 2015 was filed on 12.08.2015. The injury caused to the informant is simple in nature vide annexure-3 and there is no allegation that the petitioner repeated the firing. The petitioner is in custody since 31.08.2015, having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution version.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the informant Abdul Matin has also lodged Complaint case no. 2229 of 2015 against the petitioner and others for the occurrence of 11.08.2015 for committing offence under Section 376/511 and other allied sections of the I.P.C. and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering that the informant has received simple injury on his right knee and there is no allegation that the petitioner repeated the firing and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Katihar arising out of Azam Nagar P.S. Case No. 163 of 2015 subject to

the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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