

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35388 of 2014

Arising Out of PS.Case No. -44 Year- 2012 Thana -KOCHADHAMAN District- KISANGANJ

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Md. Nazim Anwar @ Nazim @ Nazim Doctor, Son of Late Sahangu
Resident of village- Alta, P.S.- Kochadhaman, District- Kishanganj
.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarangdhar Jha, Advocate.

For the Opposite Party/s: Mr. S.D.Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 302/34 of the Indian Penal Code and the admitted fact that it was the case of free fight relating to a land dispute resulting into death of the deceased after two days in hospital and the F.I.R. lodged after three days of occurrence and the police also submitting a final form against the petitioner and the court only taking cognizance differing with the police report, the petitioner in the opinion of this Court having no criminal antecedent for the time being is entitled for privilege of anticipatory bail.

That being so, if the petitioner, namely, Md. Nazim Anwar @ Nazim @ Nazim Doctor, surrenders within a period of four weeks from today, the court below shall grant bail to the petitioner on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate (Personal file), Kishanganj in connection with Kochadhaman P.S. Case

No. 44 of 2012 (GR No. 422 of 2012), subject to the following conditions:

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated 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 the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Sujit/-

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(Mihir Kumar Jha, J)