

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25262 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -DORIGANJ District- SARAN

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Abdul Nazir Hussain @ Nazir Miya Son of Asim Miya, resident of village-
Dumari Adda, P.S. - Doriganj, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Adv

For the Opposite Party/s : Smt.Renuka Ratnakar (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 26-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-147, 148, 149, 323, 324, 504 and 307 of the Indian Penal Code and Section-3 & 4 of Dian Act, this Court by taking into account that co-accused Md. Ainuldin Mian @ Md. Ainuldin, Rahamuddin Mian, Md. Inzamam and Nasuruddin Mian @ Nosardin have been granted the privilege of anticipatory bail by order dated 27.07.2015 in Criminal Miscellaneous No. 28275 of 2015 and that the case of the petitioner is also identical in the sense that the plea of case and counter case is also available to him and that his injuries

inflicted on Rahamuddin which led the fracture injury in the left finger and ring finger, has also not been substantiated.

According to learned counsel for the petitioner that injury cannot be substantiated in absence of any injury report available in the case diary, this Court would be inclined to grant the privilege of anticipatory bail to the petitioner taking into account that he has also got no criminal antecedent and is said to be a student.

That being so, if the petitioner namely, **Abdul Nazir Hussain**, surrenders within a period of four weeks from today, he would 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 **Chief Judicial Magistrate, Saran at Chapra** in connection with **Doriganj P.S. Case No. 74 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give 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 bailor 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.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date 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.

(Mihir Kumar Jha, J)

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