

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48631 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -KADWA District- KATI HAR

1. Md. Nawajuddin @ Nawajuddin Son of late Husamuddin resident of Village Kalidaspur P.s Balia Belon (Kadwa)district Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Pushpa Sinha (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kadwa (Balial Belon) P.S. Case No. 66 of 2015 registered for the offences punishable under Sections 323, 341, 324, 307, 504 and 379/34 of the Indian Penal Code.

Allegedly, in the occurrence, the petitioner gave axe blow on the head of father of the informant which caused injury in his left temple and further the petitioner gave axe blow on the head of the wife of the informant and snatched her ear-ring.

Submission is of false implication and that there is case and counter case, there was free fight between the parties and both sides have received injuries but the prosecution has not stated

regarding the real version, there is no allegation that petitioner repeated the blow and, as such, the petitioner who is suffering in custody since 06.09.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that grievous injury has been caused to father and wife of the informant.

In the facts and circumstances stated above, considering the case and counter case and further custody of the petitioner, now he 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 C.J.M., Katihar arising out of Kadwa (Balua Belon) P.S. Case No. 66 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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