

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23579 of 2016

Arising Out of PS.Case No. -277 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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Md. Noor Isalam, S/o Md. Akhtar Kaliya, resident of village - Mehsaul Got
Ward No. 11, P.S. and District – Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Advocate.

For the Opposite Party : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 07-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 22.04.2014
in connection with Sitamarhi P.S. Case No. 277 of 2014, Sessions
Trial No. 32 of 2015 for the offences instituted under Sections
448, 341, 323, 324, 307, 379/34 of the IPC. Later on, Section 302
of the IPC was also added.

The prosecution story, in brief, is that on 05.04.2014,
some altercation took place with Khusmuda Khatoon on the point
of drain and due to which on 06.04.2014 at about 4.00 A.M. the
informant woke up on the knocking of the door and she opened
the door, in the meantime, this petitioner and others 4-5 unknown
miscreants armed with Iron rod, Farsa and Garasa started to abuse

her and entered into the house. This petitioner gave a Garasa blow on her head and blood was oozing. Co-accused Akhtar and his wife assaulted with rod at her leg and due to which her leg was injured. On hulla, her father came to save her, he was also assaulted by accused persons. They also took golden ornaments and cash Rs. 25,000/-.

The earlier bail application of the petitioner was rejected vide Annexure-1. This is second attempt on behalf of the petitioner for grant of bail.

A report was called for from the court below regarding the stage of the case. The same is at Flag-‘X’.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.04.2014. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. General and omnibus allegation has been made against the petitioner. No specific injury has been attributed against him.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.D.J.-II, Sitamarhi,
in connection with Sitamarhi P.S. Case No. 277 of 2014, Sessions
Trial No. 32 of 2015.

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(Sudhir Singh, J)