

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26046 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -NAUHATTA District- SAHARSA

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MD. KADIR @ MD. ABDUL KADIR son of Md. Rajjak, resident of
Village- Naya Nagar, Muslim Tola (Bariya Ghatt), Ward No. 15, P.S.-
Nauhatta, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner seeks bail in connection with Nauhatta P.S.
Case No. 12/17 for the offences alleged under Section 379 and
other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that due to quarrel between children, 11 persons including the
petitioner came at his door and allegation upon the petitioner is of
hitting the informant by *farsa* on his head.

It has been submitted by the learned counsel for the
petitioner that both sides are on inimical terms and there was
altercation and scuffle between both sides for which the
petitioner's side has lodged Nauhatta P.S. Case No. 13/17. He



further submits that the injury on the skull, alleged to have been caused by the petitioner, has been found to be simple in nature. It is submitted that some of the co-accused have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution case.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner is named in the First Information Report and has inflicted injury on the informant.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Saharsa, in connection with Nauhatta P.S. Case No. 12/17, subject to the condition that both the bailors would be close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station and will swear an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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