

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34481 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -SRI NAGAR District- MADHEPURA

=====

Md. Nabir Son of Late Md. Moekim @ Mokim, R/o Village- Puranini,
Ward No. 10, P.S.- Sri Nagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Srinagar P.S.
Case No. 39 of 2016 for offences punishable under Sections 147,
148, 149, 341, 323, 307, 504 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the accused persons named in the F.I.R. came variously armed
with Lathi, Danda and iron rod and started incriminating assault
on the informant's husband Md. Noor Salam, her uncle and her
brother as a result her husband succumbed during course of
treatment due to head injury.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and the post



mortem report specifies only one injury which cannot be attributed to the petitioner. He submits that petitioner is a member of unlawful assembly but no overt act alleged to have been committed by him and he is languishing in judicial custody since 13.01.2017. He submits that there are 11 co-accused named in the F.I.R. out of which some have been granted privilege of bail by coordinate Benches of this Court one of them being Cr. Misc. No. 9082 of 2017 on 18.04.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura in connection with Srinagar P.S. Case No. 39 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

