

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51143 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -PALASI District- ARRARIA

=====

Nausad Alam @ Md. Naushad Alam, S/o late Jalaluddin, R/o village-
Bhattabari, P.S.- Palasi, District- Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate
Mr. Raj Kumar, Advocate

For the Opposite Party : Mr. Nawal Kishore Pd. (APP)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 20-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 147, 148, 149, 341, 323, 324, 307, 504,
506, 302 of the Indian Penal Code.

It is alleged that on the date of occurrence total
twenty four persons armed with various weapons came at Madarsa
and caught hold the brother of the informant, namely, Md. Bakar
and started assaulting. Md. Nurul Hoda assaulted the brother of
the informant on head with intention to kill, causing serious injury
to him. Md. Manir and Tafezul came to save then they were also
assaulted by Naushad Alam with Farsa on head, hand and leg. The
injured were taken to hospital for treatment.

Learned counsel for the informant as well as learned



A.P.P for the State has pointed out that informant in his re-statement in para-2 and another witnesses in para-7,8,9 and 23 of the case diary have stated about causing serious injury on head of Md. Manirul Haque by the petitioner, who died in course of treatment. The postmortem report is mentioned in para-61 of the case diary, wherein doctor has found incised wound on right side of scalp and cause of death was opined due to sharp weapon. Police has submitted charge sheet against this petitioner and other accused persons for offence under Section 302 of the I.P.C and other sections vide para-53 of the case diary.

Therefore, as per written report and statement of witnesses in the case diary, the petitioner is alleged to be main assailant of Md. Manirul Haque, which gets support from post mortem report. Therefore, this court does not find it fit case for grant of regular bail.

Accordingly, the prayer for bail is hereby rejected in connection with Palasi P.S. Case No. 12 of 2016, pending in the court of Additional Chief Judicial Magistrate-IV, Araria.

(Sanjay Priya, J.)

ravi/-

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

