

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40821 of 2017**

Arising Out of PS.Case No. -209 Year- 2017 Thana -NAWADA District- NAWADA

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Hafiz Kalim @ Hafiz Mohammad Kalimuddin Son of Late Akbaruddin @ Akbar Ali, Resident of Village-Bhadauni, near Faizulwari, P.s.-Nawada District-Nawada

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

3      21-11-2017                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Nawada Town P.S. Case no. 209 of 2017, registered under Section 302/34 of the Indian Penal Code.

The accusation is that informant Md. Faiyaz received informant on mobile in the evening of 09.04.2017 to the effect that his Bhagina Md. Raja had committed theft of mobile and he was caught hold at Garib Nawaz Hotel, Sadbhawana Chowk and he disclosed his name as Guddu Kha. Thereafter, informant along with Md. Gullu at about 8.30 A.M. reached there and saw that his Bhagina Md. Raja was tied with a tree by five persons named in the F.I.R. and they made complaint about committing theft of mobile by Md. Raja. Thereafter, informant asked to them to inform the Police for action, but they



started assaulting to Md. Raja. On raising alarm anyhow he got set free of his Bhagina Md. Raja and rushed for treatment at Sadar Hospital, but he died in the way.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that informant who is witness of the occurrence has disclosed the name of five persons in his F.I.R., but he has not disclosed the name of petitioner, who used to run coal shop near the place of occurrence, but in course of investigation after two days of the occurrence, the informant in his re-statement disclosed the name of the petitioner without any overt act against the petitioner. The petitioner is an old man aged about 70 years and he has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 209 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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