

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15286 of 2017

Arising Out of PS.Case No. -91 Year- 2015 Thana -BHARGAWAN District- ARRARIA

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1. MD. NAUSHAD @ NOSAD Son of Md. Abdas, Resident of Village-
Baijupatti, P.S.-Bhargama, District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-04-2017 Heard the parties.

This application has been filed in connection with
Bhargama P.S.Case No.91 of 2015 for the offence under Sections
147, 148, 149, 341, 323, 324, 307, 302, 436 and 504 of the Indian
Penal Code and 27 of the Arms Act.

It is submitted on behalf of the petitioner that there is no
allegation of assault on the deceased against the petitioner rather
the allegation is that the petitioner assaulted one Md. Moin by the
sword on his head but the injuries were found to be simple in
nature. The petitioner is in custody for about three months. It has
also been argued on behalf of the petitioner that there is land
dispute between the parties from before, which will appear from
Anneuxre-2 of the petition.



Heard learned A.P.P. also, who could not controvert the above facts and also submitted that there is no allegation against the petitioner of assault on the deceased rather against one Md. Moin and the injuries are found to be simple in nature.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Araria in connection with Bhagama P.S.Case No.91 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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