

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31125 of 2017

Arising Out of PS. Case No. -252 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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Md. Rahman, S/o Zainul, Resident of Village- Madhura Uttar Palar, P.S.-
Narpatganj, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

- 3 20-07-2017 As prayed, learned counsel for the petitioner is permitted to make necessary corrections of typographical error in paragraph 1 of the petition to read the date as "16.04.2017" in place of "16.04.2016". It is submitted that such mistake has been inadvertently mentioned in the order of the learned 3rd Additional Sessions Judge, Araria resulting into the same error in the petition
2. As prayed, he is permitted to make necessary corrections in course of the day.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner is in custody since 16.04.2017 in connection with Narpatganj P.S. Case No. 252 of 2016 for the offences alleged under Sections 149, 302 and 504 of the Indian Penal Code.
5. It is submitted that the petitioner has been falsely implicated and accusations in the complaint (which has subsequently been converted into an FIR) are vague and general in nature. The accusation of assault has been made against as many as 17 persons including the petitioner and his family members alleging the date of occurrence as 02.06.2015 from which date the deceased was admitted in Narpatganj P.H.C. After prolonged



treatment, death occurred after more than four months on 07.10.2015. The complaint has been filed after inordinate delay of about two months since the deceased expired on 07.10.2015 which itself creates a considerable doubt on the veracity of the accusation. The complaint has been filed to take revenge as one of the accused persons, namely, Md. Saiyad, had instituted Narpatganj P.S. Case No. 211 of 2015 against the prosecution side as evident from paragraph 4 of the complaint petition itself. The petitioner claims clean antecedents.

6. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 252 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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