

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49944 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Md. Zahid son of Md. Habib resident of village - Upardih (Bhatbigaha),
P.S. - Sirdalla, District - Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Sirdalla P.S. Case No. 61/2017 dated 27.03.2017 which was initially instituted for the offences under Sections 147, 148, 149, 341, 323, 436, 379, 354(B), 307 and 427 of the Indian Penal Code, but later Section 302 of the Indian Penal Code was also added.

It has been alleged in the F.I.R. that on the orders of Md. Habib and Md. Meraj Alam, the petitioner assaulted the father of the informant, viz. Kedar Prasad by *Garasa* on his head leading to injuries on his person. Other accused persons are said to have assaulted other victims. One Md. Javed is said to have assaulted the uncle of the informant, viz. Maheshwar Prasad Yadav, who died because of the injuries received by him. Hence, the



conversion of the case into one under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the injured Kedar Prasad, who is said to have been assaulted by the petitioner, has, in his statement before the police, not named the petitioner as one of the assailants.

There is a counter version of the occurrence also and the counter case has been annexed as Annexure-2 to the present petition. The injury suffered by Kedar Prasad, of which the petitioner is said to be the author, is simple in nature, though on head.

The petitioner is in custody since 04.07.2017.

Regard being had to the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Nawada in connection with Sirdalla P.S. Case No. 61/2017.

(Ashutosh Kumar, J.)

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