

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43482 of 2017

Arising Out of PS.Case No. -356 Year- 2017 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Md. Hasnain, Son of Md. Munna, resident of Mohalla- Sadpura, Pokhariya
Peer, Police Station- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sadar P.S.
Case No. 356 of 2017 for offences punishable under Sections 457,
380, 307/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was sleeping in his house in the night some
miscreants for the purpose of theft tried to break the lock of the
house and entered but all the housemates and people outside woke
up and started Hulla on which all the miscreants ran away. One of
them (petitioner) was caught but he inflicted knife blow on one
Bhola Ghosh but while fleeing away he fell down and



apprehended.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed by the petitioner and he is languishing in judicial custody since 11.07.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that there is no injury report as such Section 307 I.P.C. is not applicable.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 356 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating their relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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