

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39885 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -GWALPARA District- MADHEPURA

=====

Md. Rustam S/o-Late Gafoor, Resident of Village-Nauhar Ward No. 11,
P.S.-Gwalpara, District-Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adovcate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with Gwalpara P.S.

Case No. 93 of 2017 registered for the offence punishable under

Sections 153-A, 295 and 295-A/34 of the Indian Penal Code.

The prosecution case, as per the informant, is that

when the informant was engaged in performing puja at Kali
Mandir, petitioner along with two other accused, Md. Rais and
Md. Naim entered in the temple and Md. Rais broke the tongue of
Maan Kali by lathi and kept the same in his pocket and while
fleeing away, accused, Md. Rais was arrested and from his pocket
tongue of Maan Kali was recovered.



It has been submitted by the learned counsel for the petitioner that he is innocent and he was not present even at the place of occurrence and being relative of Md. Rais, who is abnormal and confined in the house by tying with rope, he has been made accused. He submits that no overt act has been alleged against him. He bears no criminal history and that he is languishing in judicial custody since 08.07.2017.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that this incident created a tense situation between the two communities.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No. 93 of 2017.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

