

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55759 of 2017

Arising Out of PS.Case No. -116 Year- 2017 Thana -PALASI District- ARRARIA

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Gulam Nabi, Son of Late Ashger , R/o Village- Mohania, P.S.- Palasi,
District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/ : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 30-11-2017

Heard learned counsel for the petitioner, learned counsel
appearing on behalf of informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Palasi P.S. Case no. 116 of 2017, registered under Section 302/34 of
the Indian Penal Code.

The accusation is that in the morning of 23.05.2017 at
about 7.20 A.M. Md. Nausad, brother of the informant, was
accompanied by Md. Intazar at the tea shop of Md. Siddique, where
both started quarreling on demand of wage of Rs. 50/-, while
informant tried to pacify the matter in the meantime, Md. Intazar
caused blood oozing injury to Md. Nausad by means of *Belcha*.
Thereafter, petitioner also came there and started assaulting to his
brother. On the intervention of the local people, his brother has been
rushed for treatment, where he died succumbed to his injury.

Learned counsel for the petitioner submits that it would



appear from the F.I.R. that it is Md. Intazar, who caused injury at the head of Nausad, brother of informant, through Belcha and this petitioner caused assault to him, but no specific overt act has been detailed that by which means the petitioner caused injury to the deceased. On investigation, the Police submitted the Final Form against the petitioner, but learned A.C.J.M-III, took the cognizance of the offence against the petitioner and differing with the Final Form submitted by the I.O.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M-III, Araria in connection with Palasi P.S. Case No. 116 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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