

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47834 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -NATHNAGAR District- BHAGALPUR

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Md. Nunka @ Md. Azad Nanku @ Md. Nunku, Son of Md. Zubair,
Resident of Village- Khaira, Police Station- Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.08.2017 in connection with Nathnagar (Madhusudanpur) P.S.
Case No. 254 of 2016 for offences punishable under Sections 147,
148, 149, 323, 307, 504, 506 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was residing at his home, seven persons variously
armed with weapons came and started assaulting his wife. On
objection one Md. Samser fired which hit him near the ear.



Allegation upon the petitioner is that he gave iron rod blow on the head of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and one injury out of the two on the informant is grievous in nature. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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 Additional Chief Judicial Magistrate 1st, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 254 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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