

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72692 of 2018

Arising Out of PS. Case No.-313 Year-2018 Thana- MUFFASIL District- West Champaran

Nazibullah @ Md. Nazibullah Hawari, Son of Md. Bhutti @ Md. Nazurullah,
Resident of Chhawani, Ward No. 3, Police Station- Bettiah Muffasil
(Manuapul), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh
For the Opposite Party/s	:	Mr. Sri Chandrasen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in **Muffasil (Manuapul) P.S.**
Case No. 313 of 2018 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 384, 302 and 379 of the
Indian Penal Code.

Informant in his written complaint has stated that
while he and his deceased son were going to purchase
vegetables, 11 FIR named accused assaulted his son by knife as
a result of which he died on the spot.

It has been submitted on behalf of petitioner that he is
innocent and has committed no offence. The dispute was
between two rival groups one of which was lead by Md.



Azmaien and other by deceased-Vikash. Md. Azmaien in his confessional statement has confessed that he, Belal @ Aurangzeb, Abdullah @ Osama, Golu @ Altsar have stabbed deceased Vikash. Petitioner has not been named by him that who was involved in committing said crime. Confessional statement of Belal another prime accused was taken in which he also repeated the same statement as confessed by Md. Azmaien. It has been further stated that he has been made accused because he had friendship with them. It has been further submitted that similarly placed co-accused Syed Jamir Alam and Md. Bhutti have been granted bail by co-ordinate benches of this Court in Criminal Miscellaneous No. 62739 of 2018 dated 30.10.2018 and Criminal Miscellaneous No. 50535 of 2018 dated 08.10.2018. Petitioner has got no criminal antecedent and is in custody since 22.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, West Champaran, Bettiah**, in connection with **Muffasil (Manuapul) P.S. Case No. 313 of 2018**, with following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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