

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6585 of 2018

Arising Out of PS.Case No. -303 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Nazim @ Md. Nazim S/o Late Najamuddin , R/o Village- Tengermori,
P.O.- Belwa, P.S.- Kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Tiwary

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 341,
342, 323 and 307/34 of the Indian Penal Code.

The prosecution case got initiated with the
written report submitted by Md. Janisar Akhtar on 17.06.2017 to
Station House Officer of Kishanganj Police Station, to the effect
that in the intervening night of 16/17th June, 2017 co-accused
Mustaque Munna and his brother Nazim, the petitioner took the
brother-in-law of the informant namely, Shahnawaz Alam for
recovering back Rs.1200/- which was given as loan. Thereafter,
they assaulted Shahnawaz Alam and tried to hang him. When the



informant came to know he took Shahnawaz Alam to Sadar Hospital, Kishanganj and from there he was referred to Bhagalpur.

It is submitted by learned counsel for the petitioner that the petitioner and his brother Mustaque Munna are related to the informant. The impugned order suggests that the victim has received simple superficial injury. The impugned order does not suggest that the victim was electrocuted rather the victim attempted to commit suicide, being pressurized by the loan, but due to the enmity the informant maliciously roped the petitioner and his brother in the present case. Moreover, the informant has retracted from the initial version and filed a petition to that effect before the learned Court below. The same has been brought on record as Annexure-2. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that the injury has been found simple in nature and the fact that the informant has retracted from the initial version coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or



surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 303 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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