

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63364 of 2017

Arising Out of PS.Case No. -9 Year- 2016 Thana -NIMCHAKBATHANI District- GAYA

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1. Md. Mumtaz Khan, son of Shamim Khan @ Md. Shamim Khan,
Resident of Village- Simraur, P.S.- Nimachak Bathani, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Nimachak Bathani Police Station Case No. 9 of 2016 registered for offences punishable under sections 147, 148, 149, 323, 325, 326, 307 of the Indian Penal Code and section 27 of the Arms Act.

It has been submitted that the allegation of assault by lathi and danda is omnibus against seven accused persons. It is alleged that this petitioner and six others intercepted the informant and brutally assaulted him by lathi and danda and also caused injury near both eyes by knife. The injury report, which has been annexed to this application, shows that the informant sustained simple injury. The petitioner is in custody since 16.10.2017.



Learned counsel for the opposite party on the other hand opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Nimachak Bathani Police Station Case No. 9 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

Mahesh/-

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