

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52885 of 2018

Arising Out of PS.Case No. -159 Year- 2017 Thana -KUDHNI District- MUZAFFARPUR

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Md. Niskhar S/o Md. Mansoor, resident of Village- Ladaura, P.S. Kurhani
(Turki), District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Advocate

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 379, 307, 504, 506, 34 of the Indian Penal Code registered in connection with Kurhani (Turki O.P.) P.S. Case No. 159 of 2017.

3. It is submitted that the petitioner has been falsely implicated as there is case and counter case between the parties. Owing to assault by the prosecution party, co-accused Md. Nuruddin, who was the informant of the counter case, has died. The allegations are general and omnibus in nature and no specific assault has been attributed to the petitioner. Similarly situated accused persons, namely, Md. Laddu @ Gulam Nabi Azad and Md. Sindhhu @ Gulam Rasul @ Gulam Rasul Azad have been granted anticipatory bail by this Court in Cr. Misc. No. 27950 of 2018 vide order dated 09.05.2018.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or



surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Mr. Nayan Kumar, learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Kurhani (Turki O.P.) P.S. Case No. 159 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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