

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17773 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- JOKIHAT District- Araria

NASIM, aged about 40 years (M), Son of Moharram, Resident of Village-Balua, Police Station-Jokihat, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mukesh Kumar Rana, Advocate.
For the Opposite Party : Mr.Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2019 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner is languishing in custody since 05.01.2019 in a case for the offence registered under Sections 341, 323, 324, 307, 379, 354(B), 447, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 19.05.2018 at about 9.30 A.M., while the informant was constructing his house on his land, all the accused persons including this accused armed with Lathi, Danda, Sword and Bhala came there and restrained the informant to construct the house. When the informant raised a protest, accused persons started abusing him and assaulting him with Lathi, Danda, fists and slaps. Accused persons Sirman and Rahman caught hold of the informant and



this accused Nasim caused injury on the head of informant with Farsa with intent to kill him. As a result, the informant became unconscious and fell down. When the wife of informant namely, Bibi Sahiba, daughter-in-law Bibi Tarannum, son Sakib and daughter Bibi Shama came there in order to rescue the informant the accused persons abused and assaulted them with fists and kicks. Accused Sohail took away silver Kangan from the wife of informant and accused Tajammul snatched away the silver chain from the daughter-in-law of informant and accused Sirman snatched golden ear ring from the daughter of informant and they tore the clothes of daughter-in-law and daughter of the informant and made them naked. The villagers reached there and saved their lives.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to have given a single Farsa blow on the head of the informant. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.



On behalf of the learned counsels for the State and informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in connection with Jokihat P.S. Case No. 139 of 2018.

(Sudhir Singh, J)

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