

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26077 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

MD. JAMAL Son of Md. Rajjak Resident of Village - Hussainpur, P.S.-
Mozahidpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

Petitioner is languishing in judicial custody since 20.01.2019 in connection with Mozahidpur P.S. Case No. 181 of 2018 for offences punishable under Sections 341, 323, 337, 307, 504 of the India Penal Code and Sections 25 (1b), 26, 27 of the Arms Act.

The prosecution case as lodged by the informant is that the petitioner along with two other co-accused came and abused his wife in his absence. When the informant and his brother went to the house of the co-accused and the petitioner, they assaulted the informant and also injured his brother by hitting him with bricks. It is alleged that the petitioner fired on the informant and his brother but it did not hit any one.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and that the injury caused on the brother of the informant was not inflicted by the petitioner which has been found to be simple in nature as the injury report is Annexure-2 to the present application. He submits that no case under Section 307 of the I.P.C. is made out against the petitioner and charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and that charge-sheet has already been submitted coupled with the fact that petitioner does not bear any criminal antecedent as stated in para-3 of the present application and the injury has been found to be simple in nature, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Mozahidpur P.S. Case No. 181 of 2018, subject to the condition that one of the bailors would be close relative of the petitioner having sufficient immovable



properties, who will file an affidavit stating his relationship with
the petitioner.

(Nilu Agrawal, J)

devendra/priyanka

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