

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67201 of 2019

Arising Out of PS. Case No.-599 Year-2018 Thana- NAWADA District- Nawada

MD. ALLAUDDIN, Gender-Male, aged about 45 years, Son of Md. Moinuddin, Resident of Village- Takiyapar, Police Station- Bundelkhand in the district of Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate.

For the Opposite Party : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 447, 448, 341,323, 427, 308, 379/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 23.08.2018 at 7.00 P.M. informant's son, namely, Ibran and co-villager Allaudin's son took quarrel during course of playing and slapped informant's son on which informant went to the house of accused and told him about the quarrel on which, family members of accused started abusing the informant and informant returned from there. On 24.08.2018 at 2.00 P.M. all the F.I.R. named accused persons including the petitioner armed



with pistol, rod and hockey stick hurling abuses and entered informant's house and when the informant protested then accused persons namely, Md. Salim Mistri and Md. Pintu started assaulting him with hockey and when informant's Bhagina Md. Rizwana and cousin brother Md. Javed came to rescue the informant then accused petitioner gave rod blow on the head of Javed causing head injury and thereafter accused Md. Pintu assaulted him with hockey. Md. Salim Mistri and Pintu also assaulted Rizwan with hockey. It has further been alleged that Md. Azad also took away a box containing Rs. 21,000/- cash, golden ear ring worth Rs. 18,000/-, silver bangles worth Rs.4,000/- and Radio worth Rs. 400/-. On hulla, several persons came there then Md. Azad and Md. Azam made firing seven rounds from their pistols and they fled away after gave threatening to kill him.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 07.08.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. 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 been made accused in the present



case due to previous enmity. A number of litigation are pending between the parties. The alleged occurrence is said to have taken place on 23.08.2018 and the case was instituted on 26.08.2018. Delay has not been explained by the prosecution. Prior to institution of the present case, one case was also instituted by the accused side. The present case is counter blast to the case instituted by the petitioner vide Annexure-2 to the present application.

On behalf of the State, it is 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., Nawada, in connection with Nawada Town (Bundelkhand) P.S. Case No.599 of 2018.

(Sudhir Singh, J)

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