

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73913 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- HIRAMMA P.S. District- Sheohar

1. NASRUDDIN @ MD. NURUDDIN, M, aged about 38 yrs., S/O Md. Hasim
2. Md. Zibrail @ Zibrail, M, aged about 19 yrs., S/o Md. Sukhari
3. Md. Karim @ Karim, M, aged about 32 Yrs., S/O Late Ishu Mian
4. Ladan @ Md. Ladan, M, aged about 33 yrs., S/O Md. Khalil @ Khalil Mohammad
5. Md. Abbas, M, aged about 40 Yrs., S/O Md. Jainul
All R/O Village- Madhopur Chhata, P.S.- Hiramma, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 341, 323, 324, 354, 379, 504/34 of the Indian Penal Code.

Informant in her fardebyan has stated that on 16.08.2019 at about 7 p.m., F.I.R. named accused including the petitioners came near her and there is allegation against Nasruddin of outraging her modesty and also using abusive language against her. Allegation against Zibrail is assaulting on her head by iron rod as a result of which she sustained head



injury. When her son Md. Raiyaz came to save her, accused Md. Kasim assaulted him on his head by iron rod causing head injury. Full Mohamad was also assaulted by accused. It has further been alleged that accused also snatched silver chain and Rs.5,000/- from her.

It has been submitted on behalf of the petitioner that there is case and counter case and present case has been lodged as accused Md. Hasim had instituted a case in which he also sustained head injury as contained in Annexure 2. The nature of injury has been found to be simple. Petitioner and informant are neighbourer and there is dispute with respect to common lane between them.

Informant has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Hiramamma P.S. Case No.50/19 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following



conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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