

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6667 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- NAUHATTA District- Saharsa

MD. NIKAIL @ NIKAIL @ MIKAIL Son of Md. Nasir Resident of Village -
Barhara, Ward No. 01, Rajak Tola, P.S.- Nauhatta, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 02-07-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(A), 447, 448, 379, 504 of the Indian Penal Code.

Informant has alleged in her written complaint that on 29.03.2019 at about 10:00 AM while she was constructing roof of the house on the homestead land, FIR named accused persons including petitioner variously armed with deadly weapons came there and started abusing her also forbade her to make construction. It is further alleged that one Md. Nuro assaulted on



her head by means of Dabia, as a result of which she sustained injury and when she fell down on the ground, all accused persons assaulted and also took away her cash and ornaments.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to land dispute. There is no specific allegation against petitioner rather there is specific allegation of assault against Md. Nuro. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Nauhatta (Darhar O.P.) P.S. Case No. 30 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

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



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers 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 petitioner.

(S. Kumar, J)

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