

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17829 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- KORHA District- Katihar

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1. MD. NAZRUL Son of Mohammad Islam @ Md. Islam Resident of Village - Simaria Karmu Tola, P.S.- Korha, District - Katihar.
 2. Md. Jabbar Son of Md. Suleman Resident of Village - Simaria Karmu Tola, P.S.- Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad Yadav, Advocate
	:	Mr. Mukesh Kumar Jha, Advocate
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-12-2020 The Application for bail of the petitioner no. 1 Md. Nazrul having been withdrawn by order dated 15.9.2020 on account of his arrest, the instant application is confined to petitioner no. 2.

Heard learned counsel for the petitioner no.2 and learned counsel for the State through video conferencing.

The petitioner no. 2 has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Korha P.S. Case no. 4 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated that the 10 accused persons had entered into a conspiracy to kill the



husband of the informant. It is further stated that Md. Suleman struck with a sharp cutting sword as a result of which the husband of the informant died. The petitioner no. 2 struck Ajmeri Khatoon on her right hand as a result of which she was injured and Md. Nazrul struck Md. Rajabul on his head injuring him.

It is submitted by learned counsel for the petitioner no. 2 that the allegation as levelled in the FIR are malicious and he has been falsely implicated in the case due to land dispute. There is no allegation on the petitioner no. 2 of having assaulted the deceased. So far as the injury on Ajmeri Khatoon is concerned, the same has been found to be on hand and simple in nature. It is further submitted that the allegations levelled in the FIR are not supported from the injury report in so far as while the allegation against the petitioner is of having assaulted Ajmeri Khatoon with a Dabia which is a sharp cutting weapon, the injury found besides being simple in nature is stated to have been caused by hard and blunt substance. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and



taking into consideration the submissions made on behalf of the petitioner no. 2 and the petitioner no. 2 not having any criminal antecedent, the Court is inclined to enlarge the petitioner no. 2 on anticipatory bail. The petitioner no. 2 is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Korha P.S. Case no. 4 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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