

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76745 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SHRI NAGAR District- Madhepura

Md. Nazam @ Md. Nizam, S/o Md. Sajir, Resident of Village - Laxmipur
Bhagwati, Ward No. 15, P.S. -Shrinagar, District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate
For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 19-06-2020 Heard learned counsel for the petitioner and
learned counsel for the State via video conferencing.

By way of the present application, the petitioner has sought for pre-arrest bail in connection with Srinagar P.S. Case No.4 of 2019 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504 and 506 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that there is a case and counter case and both the sides have sustained injuries. Save and except section 307 of the Indian Penal Code all other sections are bailable in nature. As far as the injury caused to Md. Sultan is concerned, the same was not on any vital part of the body and the doctor, who initially examined him had opined the injury to be simple in nature caused by hard and blunt substance, but subsequently,



after x-ray, the injury was opined to be grievous in nature. He contended that there is nothing to suggest that there was an intention on the part of the petitioner to kill anyone.

On the other hand, Mr. Dinesh Singh, learned Additional Public Prosecutor for the State submitted that there is specific allegation against the petitioner to have assaulted Md. Sultan by hard and blunt substance and the final injury report would suggest that the injury was grievous in nature on the forearm of Md. Sultan.

Regard being had to the fact that there is case and counter case and the injury sustained by Md. Sultan is on non-vital part of the body, the petitioner is directed to be released on bail in the event of arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Madhepura in connection with Srinagar P.S. Case No.4 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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