

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13148 of 2021**

Arising Out of PS. Case No.-73 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

1. MD. RAJA @ MD. AHMAD RAJA S/O HAIDER MIAN @ MD. HAIDER ALI
2. MD. PAPPU @ MD. NAWAJISH S/O LATE ANAM MIAN
3. MD. MERU @ RIZWAN S/O SARWAR
4. MD. TABREZ ALAM S/O HAIDAR MIAN
ALL ARE R/O VILLAGE-MANJHOULI, P.S.-NIMCHAK BATHANI,
DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 20-07-2021

In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Nimchak Bathani P.S. Case No.73 of 2016 registered under Sections 147, 148, 149, 504,



506 of the Indian Penal Code and 27 of the Arms Act.

Maternal cousin of the petitioner no.1 has lodged Naimchak Bathani P.S. Case No.72 of 2016 against son of the informant.

It is submitted that to settle score on account of the said criminal case the petitioners have falsely been implicated in this case. There is allegation of indiscriminate firing by all accused persons, but none had sustained firearm injury. The petitioners are having no criminal antecedent. They have first become a victim of the assault by the prosecution parties and thereafter lodging this false case. They are stated to be in custody since 13.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners 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 learned Additional Chief Judicial Magistrate, Xth, Gaya in Nimchak Bathani P.S. Case No.73 of 2016, subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash Narayan /-

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