

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24629 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- BELSAND District- Sitamarhi

MD NISHAR @ NESHAR Son of Md. Salim Resident of Village -
Dariyapur, P.S.- Belsand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Belsand P.S. Case No.78 of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504/34 of the IPC.

The prosecution case in short is that while the informant reached near Madarsa for some construction work, the petitioner and other co-accused caught him and the co-accused repeatedly assaulted him with a knife and the informant fell on the ground.



They ran from the spot snatching Rs.90,000/- in cash and gold chain from the informant's neck and after that the informant was taken to hospital by local people. It is alleged that co-accused has earlier demanded Rs.50,000/- extortion money but the informant did not give the same to him.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to annoyance, grudge and with view to put criminal pressure. In fact no such occurrence has ever taken place. They had some quarrel earlier and informant met with an accident by motorcycle on some other day but he used this situation to implicate the petitioner. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner. The specific allegation of assault is against co-accused Md. Shahid Hussain who is son-in-law of the petitioner. The alleged occurrence took place on 09.07.2020 but the F.I.R. has been lodged on 27.09.2020 i.e. after delay of 18 days but no explanation of such delay in lodging the FIR has been given by the informant. The petitioner has no criminal antecedent and



has been languishing in custody since 12.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since no specific allegation is alleged against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Belsand P.S. Case No.78 of 2020.

(Anjani Kumar Sharan, J)

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