

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37890 of 2020**

Arising Out of PS. Case No.-289 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Nabi Rasool Rai @ Nabi Rasul Ray S/o Eqbal Rai R/o Village- Bhaluwara,
P.S.- G.B. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Priyanka Singh, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in G B Nagar Police Station
(for brevity, PS) Case No 289 of 2019 dated 23.11.2019
instituted for the offence punishable under Sections 147, 148,
149, 323, 324, 504, 307, 302 of Indian Penal Code.

The petitioner is in custody since 27.11.2019.

The prosecution case, as per the Fardbayan of Rashid
Rai, recorded by Md Tanveer Alam, Assistant Sub Inspector of
Police on 23.11.2019 at about 8.30 pm is to the effect that on the
same day, the informant along his wife and son came on his
brother-in-law's house when all the First Information Report
(for brevity, *FIR*) named accused person including the petitioner



came armed with lathi, danda and bamboo stick and started assaulting his wife and son, Jumadin as a result his son received injuries on the head and subsequently he succumbed to the injuries.

Learned counsel for the petitioner submits that the accusation against the petitioner is omnibus and general. The injury report of other injured person is not on record, which partially clouds the prosecution case to the effect that the informant, his wife and others received injuries. The postmortem report of the victim reflects one injury on the head whereas the accusation of repeating blow is against four FIR named accused persons including the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in G B Nagar PS Case No 289 of 2019 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

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

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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