

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3641 of 2021**

Arising Out of PS. Case No.-159 Year-2020 Thana- NAANPUR District- Sitamarhi

MD. SADDAM Son of Zafir Nadaf @ Zafir Alam Resident of Village - Birar,  
Aliman Tola, P.S. - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Ashhar Mustafa, Advocate |
| For the Opposite Party/s | : | Mr. Md. Aslam Ansari, APP    |
| For the Informant        | : | Mr. Dinesh Jha, Advocate     |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      26-08-2021                      Heard Mr. Ashhar Mustafa, learned Advocate for the petitioner and Mr. Dinesh Jha for the informant. The State is represented by Mr. Md. Aslam Ansari, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Nanpur P.S. Case No. 159 of 2020 dated 19.05.2020 instituted for the offences under Sections 147, 149, 323, 324, 341, 307, 302, 379 and 504 of the Indian Penal Code.

The father of the informant is stated to have been killed. Four other persons are also said to have been injured. The occurrence arose because of some dispute over the functioning of a Madarsa for which the father of the petitioner and the informant had been fighting from before.



Learned counsel for the petitioner has submitted that except for the petitioner having been named in the FIR, no specific accusation has been levelled against him and he is also not the author of any injury on anyone of the injured persons.

The father of the petitioner has also been seriously injured in an occurrence for which FIR has been lodged against the informant of the subject FIR. The informant is stated to be a teacher in a Madarsa which is run under the name of Darul Uloom Aminia. This Madarsa was granted affiliation through fraudulent means as claimed by the father of the petitioner. According to him, no Madarsa exists on date and this perhaps is the bone of contention between the parties.

The petitioner, as has been argued, is a student, currently prosecuting his studies in Delhi.

As opposed to the aforesaid contentions, Mr. Jha, learned Advocate for the informant has submitted that it is true that the petitioner is not the author of any fatal injury but he is named in the FIR and all other accused persons of this case have been arrested. Since four persons have been injured and one person has lost his life, the petitioner does not deserve anticipatory bail.

However, regard being had to the fact that the petitioner is not attributed with any specific assault and



taking into account that his father has been seriously injured with respect to which a counter case has been filed, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 159 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

While saying so, the Court has also taken note of the fact that the petitioner is a student, prosecuting his studies in Delhi.

**(Ashutosh Kumar, J)**

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