

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5264 of 2021

Arising Out of PS. Case No.-377 Year-2020 Thana- NAUTAN District- West Champaran

1. NASIM @ NASIM ALAM Son of SHEIKH ALAUDDIN Resident of Village - Khadda Kunjalhi, Police Station - Nautan, District - West Champaran.
2. Salim @ Salim Alam Son of Sheikh Alauddin Resident of Village - Khadda Kunjalhi, Police Station - Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of the petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in



connection with Nautan P.S. case No.377 of 2020 registered under Sections 147, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

Allegation is that the petitioner No.1 and co-accused inflicted farsa on the head of the informant, due to which he sustained head injury.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner No.1 has falsely been implicated in the present case. It is a case and counter case between the parties. From the order of the Sessions court, it appears that there is no injury report on record. The alleged occurrence is said to have taken place on 04.09.2020 and the case was instituted on 01.10.2020. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.1, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial



Magistrate, Bettiah, District West Champaran in connection with Nautan P.S. case No.377 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.1 shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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