

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10767 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- NAUHATTA District- Saharsa

Md. Nijamuddin @ Badri S/o Late Majlum R/o village- Barhara Ward No. 3,
P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Madhav Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nauhatta
P.S. Case No. 63 of 2021 registered for the offence under
Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2021.

The allegation against the petitioner is to commit
murder of informant along with other co-accused persons, while
equipped with lathi, rod, bhala etc. causing bodily injuries,



leading to death.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in present case due to local dispute and differences. It is further submitted that allegation as per face of the F.I.R. is appearing very much general and omnibus against this petitioner as to cause fatal assault to mother of informant along with other co-accused persons. It is also submitted that specific allegation as regard to assault available against this petitioner to cause assault to informant and her younger brother, whereas nature of injuries are simple, negating any intention to cause death. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 30341 of 2022 vide order dated 02.09.2022. It is also submitted that restatement of informant named this petitioner along with her wife to cause fatal assault which is nothing but an afterthought and improved version over the F.I.R. just to make the allegation more specific towards this petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.



Learned APP, duly assisted by learned counsel appearing on behalf of the informant opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to fatal assault appearing very much general and omnibus against this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nauhatta P.S. Case No. 63 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Saharsa/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

