

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24879 of 2022**

Arising Out of PS. Case No.-118 Year-2020 Thana- MANIHARI District- Katihar

NASIR @ MD. NASIR, Son of Seraz, Resident of village - Maheshpur, P.S.-  
Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      01-12-2022                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

Let the defect (s), if any, as pointed out by the  
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Manihari P.S. Case No. 118 of 2020  
registered for the alleged offences under Sections 147, 148,  
149, 341, 323, 324, 307, 302, 504 and 120(B) of the Indian  
Penal Code.

As per prosecution case, petitioner and other co-  
accused persons assaulted the informant, his father and others.  
Later on, the father of the informant succumbed to his  
injuries.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Altogether 16 persons have been made accused in this case and there is mostly general and omnibus allegation against all of them. There is no specific allegation against this petitioner for any overt act. Utmost the petitioner could be stated to be a member of the mob and there is no allegation that he participated in the offences in any manner. Learned counsel further submits that in fact the prosecution side is itself aggressor and they assaulted several persons of the petitioner's side and Manihari P.S. Case No. 117 of 2020 under Section 307 and other Sections of the Indian Penal Code has been filed against the prosecution side. In retaliation thereof the present case has been lodged. Learned counsel further submits that a number of similarly placed co-accused persons have been granted bail by a Coordinate Bench vide order dated 03.01.2022 passed in Cr. Misc. No. 23005 of 2021. The co-accused Md. Kaushar Alam has been granted regular bail by another Coordinate Bench vide order dated 19.08.2021 passed in Cr. Misc. No. 20722 of 2021. Two more co-accused persons have been granted anticipatory bail vide order dated 16.05.2022 passed in Cr. Misc. No.

13496 of 2022. The petitioner is in judicial custody since 05.02.2022 and charge sheet has been submitted. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties with fact that no specific over act has been attributed to this petitioner and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 118 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the

court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Gautam/daya

**(Arun Kumar Jha, J)**

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