

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30341 of 2022

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

1. Irsad Son Of Md. Yakub @ Yakub @ Munsii R/O Village- Barhara, Ward No.-3, P.S.- Nauhata (Darhar O.P.), District- Saharsa
2. Nausad @ Md. Naushad @ Md. Nausad Alam Son Of Md. Yakub @ Yakub @ Munsii R/O Village- Barhara, Ward No.-3, P.S.- Nauhata (Darhar O.P.), District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code.

According to prosecution case, in brief, is that on 31.05.2021 the informant was working the field, his younger brother Faizan Alam came there with meal by bicycle on way mud spread over the son of Md. Nizamuddin @ Badri then



abused and also was spreading over each of them. The son of Nizamuddin @ Badri complaint regarding the quarrel in the meantime all accused persons came at his house and started assaulting his mother Navisha Khatoon due to which she sustain severe injuries, then the informant came to save her, Md. Nizamuddin @ Badri assaulted him by lathi blow over his head, Shabana assaulted his mother by spear at her leg, Nisaruddin @ Munna assaulted his sister Nanhi Parween by lathi blow over her head. Md. Nizamuddin @ Badri assaulted his younger brother Faizan Alam due to which he sustained hand broken injury. Firoza Khatoon was assaulted by Naushad at her leg. With the help of villagers his mother Navisha Khatoon brought at Primary Health Centre where the doctor declared her dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and there is specific allegation of assault or overt act against Nizamuddin @ Badri. He further submits that during investigation no material has come regarding their presence at the place of occurrence and participation in the occurrence. He



further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 28.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nauhatta P.S. Case No. 63 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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