

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52950 of 2022

Arising Out of PS. Case No.-423 Year-2020 Thana- KANTI District- Muzaffarpur

MD. NAZIM @ M. NAZIM SON OF MD. HAIDAR R/O VILLAGE-
NURULLAHPUR, BANGRA CHOUPAN, P.S.- KANTI, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahtab Alam

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no.1 and prayer portion
of the bail petition in course of the day.

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 423/2020 registered for the offences punishable under
Sections 147, 148, 341, 323, 324, 307, 354, 380 and 504 of the
Indian Penal Code.

As per prosecution case, there is allegation against the
petitioner who has assaulted the informant's daughter by means



of rod on head.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to enmity and village politics. The petitioner is languishing in custody since 19.07.2022 and bears no criminal antecedent. There is case and counter case between the parties on the same date of occurrence. In this context, free fighting cannot be ignored. He further submits that the co-accused Md. Aftab @ Md. Aftab Alam, who is alleged to have caused Garasa blow upon the head of the informant's daughter, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 17895/2022 and the case of present petitioner stands on similar footing. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused on identical allegation has already been granted bail, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and



keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur West, District-Muzaffarpur in connection with Kanti P.S. Case No. 423/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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