

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66975 of 2021

Arising Out of PS. Case No.-701 Year-2021 Thana- KHAGARIA District- Khagaria

MD. NISHAR Son of Late Shamim Resident of Village- Ratan, P.S.- Gogri,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 353, 188 and
224/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.09.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant, who is a Constable, posted in prison
alleges that Ramanand Yadav told him that his duty starts from
10:00 p.m., hence, be ready to take over charge. Accordingly,
the informant before starting his duty checked the prisoner and
found the prison ward open. When the informant tried to close



the ward, Ramanand Yadav objected and he along with co-accused Dharamvir Yadav tried to strangle the informant but he somehow managed to save himself and went to the police station and informed the police. Further, it is alleged that Ramanand Yadav and Dharamvir Yadav absconded from the duty and phone of Ramanand Yadav was switched off.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that specific allegation is against co-accused Ramanand Yadav and Dharamvir Yadav and the petitioner is not even named in the FIR. Learned counsel further submits that co-accused Arun Kumar Das has been granted bail by this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 64189 of 2021.

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

Considering the fact that the petitioner is in custody since 06.09.2021, is a person with clean antecedent, charge-sheet has been submitted, is not named in the FIR and co-accused has been granted bail, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Court below where
the case is pending in connection with Khagaria
(Chitraguptanagar) P.S. Case No. 701 of 2021.

(Satyavrat Verma, J)

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