

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48912 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- MANSURCHAK District- Begusarai

MD. NASIR @ SULESHAN Son of Md. Jasim Resident of Village-
Gurudaspur, P.S.-Mansoorchak, District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.11.2022 in connection with Mansoorchak P.S. Case No. 102 of 2022, F.I.R. dated 23.11.2022 for the offences punishable under Sections 302 and 34 of the IPC.

3. According to prosecution case, the informant's son Md. Sitare at about 03.30 P.M. was playing in premises of Gurudaspur Urdu Middle School, along with 08-10 boys and during that two boys namely Md. Tauhid, and Md. Nasir @ Suleshan started scuffling with his son. It has been further alleged that upon resisting both the accused persons threatened son of informant of dire consequences. Thereafter, at about 06 PM in evening at Gurdaspur Chowk, the elder son of informant Md. Firdaush and Md. Sitare was at their egg shop where both



accused persons started scuffling with them and abusing them and in the meanwhile when elder son of Md. Firdaush came in between to stop the fight, then Md. Tauhid stabbed Md. Firdaush in his left chest due to which bleeding started and further he died while on the way to doctor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR it appears that there is no specific allegation against the petitioner. Further submits that allegation is of stabbing the son of informant is on the co-accused Md. Tauhid and there is no accusation of assault or overt act attributed against the petitioner and the petitioner has no role in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.11.2022.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge, IIIrd, Begusarai in connection with Mansoorchak P.S. Case No. 102 of 2022, subject to the following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Prakash Narayan

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