

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55351 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- MURLIGANJ District- Madhepura

MD. NAUSHAD @ NAUSHAD ALAM @ MD. NAUSHAD ALAM Son of
Md. Kalim Resident of Laxmipur, Chandisthan, Ward No.- 04, P.S.-
Kumarkhand, District - Madhepura.

... .. 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.Lalan Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341,323,324,326,307,302 and 34 of
IPC.

The prosecution case is based on a written report filed
by the informant alleging therein that on 08.02.2022, at about
7.00 PM, the informant along with his brother Pawan Kumar
Yadav and other persons had gone to see Sarswati Pooja. While
they were returning to their home, altogether 6 named accused,
including the petitioner, and 3-4 unknown persons of village
Chandi Ashtan came there on motorcycles and started assaulting
the informant's brother and Nilesh Kumar Yadav by means of



dagger. It is further alleged that both injured were taken to Murliganj Hospital where Pawan Kumar was declared dead and Nilesh Kumar Yadav was referred to Madhepura Hospital.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt-act against the petitioner and there is no eye witness of the alleged occurrence and only on the basis of the suspicion the name of the petitioner has falsely been implicated in the present case. Further submits that it has come during investigation that Md. Akhlakh and petitioner have assaulted the deceased. Further submits that several co-accused persons, namely, Md. Akhlakh and Prashant Kumar have been granted bail by different Coordinate Benches of this Hon'ble Court vide order dated 11.10.2022 passed in Cr. Misc. No. 38528 of 2022 and order dated 09.12.2022 passed in Cr. Misc. No. 50087 of 2022 and co-accused, namely, Md. Tajjo @ Md. Tajmul Sah has also been granted bail by this Hon'ble Court vide order dated 08.02.2023 passed in Cr. Misc. No. 46035 of 2022 and the police, after investigation, submitted



chargesheet against the petitioner and the petitioner is in custody since 14.03.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Murliganj P.S. Case No. 66 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) 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)

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