

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69688 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- RAJAOLI District- Nawada

Md. Nayeem Uddin @ Md. Nayeem Mansuri @ Nayeem Son Of Mohammad
Moin Village-Khijua, P.S.-RAJOULI, District-Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with Rajouli P.S. Case No. 303 of 2023 registered on
19.05.2023 for the alleged offences under Sections 341, 323,
307, 354, 504, 506, 34 of the Indian Penal Code.

04. As per prosecution case, the petitioner and other
co-accused persons assaulted the informant with *lathi*, *danda*,
farsa and rod, causing fracture of his right hand and right
portion of the head. When the family members of the informant
tried to save him, they were also assaulted by the petitioner and
other co-accused persons.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence dated 13.05.2023, F.I.R. has been registered on 19.05.2023 and the delay has not been explained satisfactorily. Even if the informant was under treatment, no fardbeyan of the informant or any of his family members was recorded. From the F.I.R., it is clear that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation against the petitioner for any overt act. Moreover, from the injury report, it appears that only two injuries were found on the person of the informant and one of the injuries is merely abrasion on arm and knee and another is a lacerated wound of size 3cm x 1cm x 1cm over right parietal region of the head. This injury (Injury No. 1) appears to be grievous in nature, but the allegation for causing injury is against eight persons. The petitioner is in custody since 31.07.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



general, omnibus and non-specific nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajouli P.S. Case No. 303 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

