

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70691 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- MAINATAND District- West Champaran

Nawab Ali @ Md. Intazar @ Intazar, Son Of Shekh Hazrat Ali @ Hazrat Ali
@ Shekh Hazrat @ Sheikh Hazrat Ali Village Bastha, Police Station
Mainatand, District West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abu Nasar, Adv.
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Sujeet kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Mainatand (West Champaran) P.S. Case No. 137 of 2022,
lodged on 12.11.2022 under Sections 341, 323, 307, 504, 506,
34 of the Indian Penal Code and later on section 302 of the
Indian Penal Code added.

3. As per the prosecution case, the FIR has been
lodged against 7 named accused persons including the present
petitioner against whom the allegation is that they all
surrounded the husband of the informant and the petitioner has
assaulted by iron rod on the head of the informant's husband
due to which he sustained head injury and the present FIR has



been lodged.

4. Learned counsel for the petitioner submits that initially the case was lodged under section 307 of the IPC, but subsequently, after about 17 days, section 302 of the IPC has also been added. He also submits that from the contents of the FIR, it transpires that the offence is alleged to have been took place on 08.11.2022 but the FIR has been lodged on 12.11.2022 and it was produced before the Magistrate on 17.11.2022.

5. Learned counsel for the petitioner submits that there is one criminal case pending against the petitioner in which he is on bail and in the present case the petitioner is in custody since 29.04.2023 and the charge sheet has already been submitted and there is no need of further evidence. Counsel also submits that from the contents of the FIR, it is clear that there was no intention of killing.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that it is true that the FIR has been lodged with delay, but it is also true that the reasons of delay has already been mentioned in the last line of the FIR. He also submits that due to injury caused by the



petitioner only, the death of the informant's husband took place. Counsel further submits that the antecedent of the petitioner is also not clean.

8. Upon specific query of the Court from the counsel for the petitioner that whether charge has been framed in this case or not, he submits that as per his knowledge charge has not been framed.

9. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

10. Accordingly, the prayer for regular bail of the petitioner in connection with Mainatand (West Champaran) P.S. Case No. 137 of 2022, pending before the learned J.M. 1st Class, Bettiah, West Champaran is hereby rejected.

11. However, the petitioner shall move for regular bail one month after framing of charge when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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