

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71101 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- NAANPUR District- Sitamarhi

MD. ASHRAF @ ASHRAF NADAF Son of Shafique Nadaf @ Md. Shafique
Resident of Village - Dhunia Tola Jhitki, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel appearing for the petitioner,

learned counsel for the informant and the learned A.P.P. for the

State.

The petitioner seeks bail in connection with Nanpur
P.S. Case No. 357 of 2022, registered for the offence under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in short, is that the informant
alleges that due to land dispute, on the order of the petitioner,
co-accused Md. Ashique fired with pistol on the chest of
informant's son Md. Qurban and after receiving firearm injury
he had fallen down. During course of treatment, he died.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. Further submits that there is admitted land dispute between the parties. Further submits that as per FIR, on the direction of the petitioner, co-accused Md. Ashique fired upon the son of the informant. Further submits that from bare perusal of the FIR, it transpires that at best the petitioner is only order-giver and there is no specific allegation of any assault, overt-act or firing attributed against the petitioner. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.09.2022.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 357 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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