

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17662 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Nazim @ Md. Nazim Son of Baharuddin Resident of vill.-Puthimari, Ward
No.06, P.S.-Kochadhaman, Distt.-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najmul Hoda, Advocate
For the Informant	:	Mr. Rajiv Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 14-03-2024 Heard Mr. Najmul Hoda, learned counsel appearing on behalf of the petitioner; Mr. Rajiv Ranjan Singh, learned counsel appearing on behalf of the Informant and Mr. Khurshid Anwar, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Kochadhaman P.S. Case No. 295 of 2023 registered under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the informant along with her son, nephew and sisters were sowing maize in the field. The petitioner armed with *lathi*, *danda* and iron rods started abusing them and also assaulted them. The son of the informant sustained injuries in his left eye.



4. Learned counsel appearing on behalf of the petitioner submits that as injuries has been sustained by the son of the informant in the left eye, the petitioner is ready to do the needful in this regard and is also ready to help the informant with money, which is required by the family members for the treatment of the son of the informant. The petitioner has clean antecedent. He further submits that the co-accused have already been released on bail by the District Court.

5. Mr. Rajiv Ranjan Singh, learned counsel appearing on behalf of the Informant submits that the son of the informant, who has almost lost his eye-sight, has been referred to IGMS (Indira Gandhi Institute of Medical Science) for his eye treatment.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submission made on behalf of the parties, as well as, the allegation made in the FIR that the son of the informant, while he was cleaning the agriculture field, which was objected by the petitioner, has sustained injuries. The petitioner had also resorted to assault the informant and her family members, including the victim son of the informant. Learned counsel appearing on behalf of the petitioner has



submitted that the petitioner is ready to bear the cost of all the medical expenses subject to the willingness of the informant. The submission made on behalf of the petitioner that petitioner is ready to bear the cost of all the medical expenses, it appears that the petitioner having realized his fault, has intended to end his enmity by bearing the expenses incurred in the treatment, I am of the opinion that in case petitioner, along with two responsible persons of the locality, files an affidavit with an undertaking before the District Court, the District Court in that case may call upon the informant, so that the amount of the total expenses can be informed.

8. The petitioner is directed to be released provisionally on pre-arrest bail, in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 295 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 2 of the



bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 2, this order will lose its force automatically.

(Purnendu Singh, J.)

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