

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.777 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- BABUBARHI District- Madhubani

Naushad Alam @ Md. Naushad S/O Late Najam @ Najamudin Resident Of
Village- Zamaniya P.S. Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-01-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in connection with Babubarhi P.S Case No. 259 of 2023 registered for the offences under Sections 341, 323, 324, 307, 354(B)/379, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioner is to have assaulted the niece of the informant by bricks on her head.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. It is also submitted that the nature of allegation as regard to assault is found to be simple. It is also submitted that there is land dispute between the parties. It is further submitted that there is case and counter case between the parties.



5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioner.

6. On perusal, it is obvious that all offences are bailable except under Section 354 (B) and 379 which are omnibus in nature. Further, from perusal of order dated 30.09.2003, it appears that only one injury found on the head of informant's niece and no repetition of blow found.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner above-named be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M II, Madhubani in connection with Babubarhi, P.S Case No. 259 of 2023 subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that one of the bailors of the petitioner shall be close relative of the petitioner.

(Ramesh Chand Malviya, J)

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