

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29775 of 2014

Arising Out of PS.Case No. -25 Year- 2013 Thana -ASARGANJ District- MUNGER

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Md. Shamshad Son of Late Khalique @ Sheikh Khalique Resident of
Village-Asha Jorari, P.S.-Asarganj, District-Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party No.1: Mr. Mustaq Alam, APP

For the Opposite Party No.2: Mr. Kamal Kishore Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 07-01-2015 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel for

the informant.

The petitioner, Md. Shamshad, seeks regular bail in

Asarganj P.S. Case No.25 of 2013, registered under Sections 147,

148, 149, 307, 504 and 379 of the Indian Penal Code and under

Section 27 of the Arms Act.

Md. Perwez Alam, the informant, made allegation

that on the order of Md. Abdul Bari, Md. Babar Ali Bari fired,

which hit on the back of Md. Rizwan. When the informant, Md.

Perwez Alam, went to save him, Md. Salam @ Nakku, Md.

Mustafa and Md. Shamshad, the petitioner, opened firing, which

hit on the shoulder and eye of the informant.

Learned counsel for the petitioner submits that

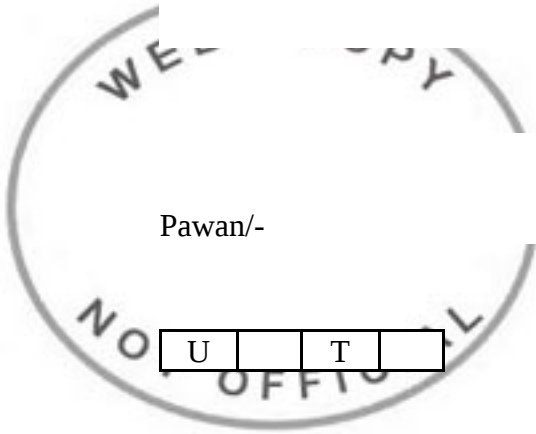
during course of investigation, the police found the accusation against the petitioner false. The Superintendent of Police directed the investigating officer to collect the C.D.R., as it was reported that the petitioner was not present on the place of occurrence.

It is further submitted that from the injury report, issued by P.H.C., Asarganj, it would appear that only two injuries were found, that too, in the right eye of Md. Perwez Alam. No injury was found on the shoulder of Md. Perwez Alam, but later on, Doctor advised him for X-ray and on X-ray, injury on head and shoulder were also found. Petitioner is in jail since 05.06.2014.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that Md. Salam was granted bail after remaining in jail for 15 months. The petitioner is also alleged to have fired. Therefore, the petitioner does not deserve bail at this stage.

Having considered the fact that petitioner along with Md. Mustafa and Md. Salam @ Nikku is said to have fired causing injury on the shoulder and eye of the informant Md. Perwez Alam and the corresponding injuries were found, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail is rejected.

The petitioner may renew his prayer for bail after remaining one year in jail.



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(Prabhat Kumar Jha, J)