

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5481 of 2015

Arising Out of PS.Case No. -304 Year- 2014 Thana -BARHARIA District- SIWAN

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Afak Ahmad @ Chotu @ Chhotu Son of Mumtaj Ahmad Resident of
village - Dindayalpur, P.S. G.B. Nagar, District - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

For the Opposite Party/s : Mr. Hirday Pd. Singh, APP.

For the Informant: Mr. Arif, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-03-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing for the
informant.

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

Asraf Ali, the informant, named the petitioner and
alleged that the petitioner along with other accused persons having
armed with different weapons came to his house in search of his
son Musarraff Ali. When his son came out, Pintu caught his son
and the petitioner assaulted him with sword. Thereafter, Pintu also
assaulted the son of the informant with Gupti, a sharp-edged
pointed weapon. The son of the informant died.

Sri Raghav Prasad, learned counsel for the petitioner,
submits that the informant made a very specific allegation that

Pintu assaulted the son of the informant on his shoulder and near his waist. All the injuries found on the person of the deceased appear to have been caused by Gupti. The petitioner is alleged to have assaulted the deceased with sword but no injury caused by sword appears to have been found.

On the other hand, learned A.P.P. and learned counsel for the informant submitted that all the injuries are incised wound. Pintu is alleged to have assaulted the deceased near his waist and shoulder. One incised wound was found on the upper outer part of external ear, another incised wound on posterior part of right shoulder and third incised wound was found on the left lower abdominal cavity. The doctor found that on account of the aforesaid injuries, the deceased died.

It appears that near shoulder and ear of the deceased, injuries were caused by a sharp-edged weapon such as sword.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail in Barharia P.S. Case No. 304 of 2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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