

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40102 of 2016

Arising Out of PS.Case No. -397 Year- 2015 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

1. Islam alias Bageria Son of Mazid Ansari, Resident of Mohalla Jakki
Bigha Mani Nagar, P.S. Dehri District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Smt Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

2 19-09-2016 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor.

The incident occurred on account of non-providing wine at the
night by the informant, who happens to be a licensee, wherein it has been
alleged that on the alleged date and time of occurrence while the informant
was proceeding ahead, Islam alias Bageria and Anwar all of a sudden
appeared, fired. Thereafter Bageria gave butt blow over head of informant.
Then thereafter Anwar and two others assaulted him with rod and lathi on
account of which he became severely injured.

From the order impugned it is evident that there happens
presence of following injury:-

1.(a) Laceration 2" x ¼" skin deep, Lt. parietal
region, antero posterior, margin irregular,
red in colour.

(b) *Laceration 2"x ¼" skin deep, Rt. Parietal region, antero posterior, margin irregular, red in colour.*

C. T. Scan (Brain)-Suggesting "small Subdural hematoma in Rt. Temporo-parietal lobe.

Soft tissue swelling in Lt. Occipito-parietal region of scalp. Caused by blunt object nature grievous.

(b) *Laceration ½"X ¼"x skin deep, anterior aspect (palm) of Lt. Hand, transverse, red in colour, margin irregular. Caused by-blunt object simple in nature.*

It also appears that petitioner-accused is specifically named for causing grievous injury over the head of informant and also using fire arm against the informant and after framing of charge on 18.3.2016 this case is pending for evidence.

In view of the above it is not just to release the petitioner on bail. Accordingly, bail petition of petitioner is hereby rejected.

On account of presence of Subdural hematoma in right Temporo-parietal, the injury has been shown grievous in nature and for that all the accused persons have been alleged. Therefore, it looks difficult to identify the petitioner to be author of the aforesaid injury. Furthermore, petitioner happens to be under custody since 06.11.2015.

In the aforesaid facts and circumstances of the case, let petitioner Islam alias Bageria 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 the learned Additional Sessions Judge, 8, Rohtas in connection with Dehri Town P.S. Case No. 397 of 2015 leading to Session Trial No. 95 of 2016.

(Aditya Kumar Trivedi, J)

siddharth/-

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