

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22295 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -KADWA District- KATI HAR

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Md. Maruf @ Md. Maroof, Son of Late Wajit Ali, Resident of village-
Parbheli, P.S.- Kadwa, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate
Mr. Md. Musowir, Advocate

For the Informant : Mr. Suresh Pd. Sah @ Baranwal, Advocate

For the State : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 18-08-2016 The petitioner is permitted to make necessary

correction in Paragraph 1 of the petition in the light of the

Supplementary Affidavit filed on his behalf.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks bail in Kadwa P.S. case No.97 of

2015 instituted for the offence under Sections 341, 323, 324, 307,

379, 447, 504, 506 of the Indian Penal Code and later modified

under Section 302 I.P.C., pending in the court of learned

A.C.J.M., Katihar.

The prosecution case, in brief is that on 15.07.2015 at

10.30 P.M. the petitioner started abusing the informant in the

matter of ridge cutting and at the instigation of his father-in-law

inflicted sword blow on the head of the informant and he sustained head injury. The informant raised alarm and on his alarm the family members came to save him but they were also assaulted by the accused persons and co-accused Md. Alam also took away Rs.5000/- from the box of the informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.3.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses against the petitioner. The petitioner is said to have assaulted with sword on the head of the deceased. The injury report indicates that there is a sharp cut injury on the head but it has been pointed out that there is an interpolation in the date of injury report. There is admitted land dispute between the parties. No deadly weapon is said to have been used in course of occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is said to have assaulted on the head of the deceased. The postmortem report as well as the injury report corroborates the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial of the petitioner.

(Sudhir Singh, J)

Narendra/-

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