

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10343 of 2016

Arising Out of PS.Case No. -443 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Babar Khan son of Md Jamal Khan @ Md. Jamal @ Md. Jamaluddin
resident of Masjid Chowk, Naugachia, PS - Naugachhia, District -
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Zafar

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 18-04-2016

Heard learned counsels for the petitioner and the State.

Investigating Officer of the case is present with the case
diary including the injury report.

Though the petitioner was granted provisional
anticipatory bail for three months vide order dated 4.3.2016 in
connection with Katihar P.S. Case No. 443 of 2015 registered
under sections 341,324,307 and 504/34 of the Indian Penal Code.
The provisional anticipatory bail was to be confirmed if, on
verification, it was found by the learned court below that the
husband of the informant has not received any firearm injury but if
it is found that the husband of the informant received fire arm
injury then the petitioner was to surrender and pray for regular

bail.

The provisional anticipatory bail was granted on submission that there is no injury report of the husband of the informant on record as co accused Kaushar Alam and Md. Jamal Khan were granted anticipatory bail by a co-ordinate bench of this court vide Cr. Misc. No. 44642 of 2015 by recording – “From perusal of the case diary, it is evident that there is no injury report to support the prosecution case.”

Learned APP has produced the injury report which suggests that grievous injury has been caused by fire arm to the husband of the informant.

In the circumstances, the order dated 4.3.2016 to the extent that the petitioner was granted provisional anticipatory bail is hereby rescinded.

Let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Katihar P.S. Case No. 443 of 2015 pending in the court of learned C.J.M. Katihar.

Let the case diary including the injury report be handed over to the I.O.

This application is disposed of with the aforesaid observation/direction.

Before parting with this order, this court is constrained to observe that it is surprising that the case was registered on 19.7.2015 whereas the injury report has been brought in the case diary on 16.2.2016 which suggests the callous manner in which the investigation has been conducted.

(Dinesh Kumar Singh, J)

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