

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55405 of 2017

Arising Out of PS. Case No.-175 Year-2017 Thana- MAJHAHGARH District- Gopalganj

Aftab Alam, Son of Late Sadik Miyan, resident of Village- Saraiya Akhtiyar,
P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Amit Kumar, Adv.
For the Opposite Party/s :	Mr. A.P.P.
	Mr. Satish Kumar Sinha, Adv.
	Mr. Arun Kumar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Satish Kumar Sinha, learned counsel, assisted by Sri Arun Kumar Prasad, learned counsel, who has appeared on behalf of the informant.

The sole petitioner, who is in custody only since 18.09.2017 in Manjhagarh P.S. Case No.175 of 2017 registered for the offence under Sections 147, 148, 341, 323, 324, 325, 307, 448 of the Indian Penal Code, has prayed for grant of bail.

At the very outset, learned counsel for the petitioner, by way of referring to the F.I.R., submits that as per F.I.R., which is a written report of the informant, submitted before the Officer Incharge, it is evident that in the case, occurrence had taken place on 11.09.2017, however written report was submitted



before the Officer Incharge on 15.09.2017. Learned counsel for the petitioner, by way referring to the impugned order passed by the learned Sessions Judge, Gopalganj, whereby the prayer for bail of the petitioner was rejected, has been argued that even on the record, original injury report was not available. He further submits that the petitioner is aged about 65 years and is in custody since 18.09.2017 and ,as such, the petitioner may be granted bail.

Sri Satish Kumar Sinha, learned counsel, assisted by Sri Arun Kumar Prasad, learned counsel for the informant has vehemently opposed the prayer for bail and submits that whatever allegation has been made in the F.I.R. has been corroborated by injury report. He submits that besides the informant, other family members had also received serious and grievous injury and, as such, the petitioner does not deserve privilege of bail.

Besides hearing learned counsel for the parties, I have also perused the material on record. Fact remains that in the case occurrence had taken place on 11.09.2017, but written information before the police was filed on 15.09.2017. Learned counsel for the petitioner has also drawn my attention to the statement made in paragraph-3 of the petition to show that the



petitioner is having clean antecedent.

In view of facts and circumstances, particularly the old age and clean antecedent of the petitioner as well as period of custody, let the petitioner, namely, Aftab Alam 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 learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No.175 of 2017.

(Rakesh Kumar, J)

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