

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23270 of 2017

Arising Out of PS.Case No. -332 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

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Md. Jafrullah @ Md. Jafar Son of Late Mojahed Hussain Resident of Village -
Momin Tola, Bari Masjid Puraini, P.S. Jagdishpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the State : Mr. S. N. Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Jagdispur P.S. Case No. 332 of 2014 dated 09.11.2014 instituted
under Sections 147/148/149/447/341/323/324/307/379/337 of the
Indian Penal Code.

3. The allegation against the petitioner and 10 other
persons is of assault and against the petitioner specifically of assault
by sword on the head of the informant leading to injury.

4. Learned counsel for the petitioner submitted that he is
the brother-in-law of the informant and due to family dispute, the
incident occurred. It was submitted that there was no intention of



causing death as only one blow was made and the same was not repeated. It was further submitted that even the assault alleged against the petitioner on the mother-in-law is only of one blow and not repeated blows. Learned counsel submitted that the F.I.R. has been lodged after three days i.e., the incident being alleged to have been occurred on 06.11.2014 whereas the F.I.R. has been lodged on 09.11.2014.

5. Learned A.P.P., on the basis of the case diary, submitted that first and foremost, it is immaterial as to how many blows the petitioner has inflicted since the allegation being that he had inflicted the blow by sword on the head of informant which resulted in injury, is sufficient to indicate the intention of causing death/grievous hurt. It was further submitted that the petitioner is specifically alleged to have assaulted by sword not only on the informant but also his mother-in-law and both have received injury.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

8. Interim order dated 08.06.2017 stands vacated.

(Ahsanuddin Amanullah, J)

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