

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36939 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -BARHARIA District- SIWAN

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1. MOHSIN SHAMIM @ KAITUN @ MOHSIM SHAMIM @ KARTUN
Son of Md. Shamim @ Chepa Resident of Village -Ranipur, P.S.-Barharia,
District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh
For the Opposite Party/s : Mr. Sri Ram Bachan Singh
For the informant : Mr. Ajay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-09-2017 The petitioner seeks regular bail in connection with Barharia P.S. Case No. 12 of 2017, registered for offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code.

Allegation against the petitioner is of assault to the father of the informant causing grievous injury to him.

It has been submitted on behalf of the petitioner that informant is not the eye witness of the occurrence and further from the materials collected during the course of investigation does not show that the petitioner was the assailant as the witnesses in paragraph 112, 113, 114 and 116 of the case diary has not supported the case of prosecution rather they have said about the assault by other co-accused persons. Further he has been in judicial custody since 06.06.2017.



Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail. Learned counsel for the informant has submitted that in the F.I.R there is direct allegation against the petitioner that he assaulted the father of informant on his head by a cricket bat and the condition of the injured is still serious as he has gone in coma.

Having heard both sides, considering the facts and circumstances of the case, submission of parties and also the nature of injury, at this stage, I am not inclined to release the petitioner on bail, his application for regular bail is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after framing of charge in this case in the court below itself and if any such application is filed, the court below after considering the materials available on record and also considering the period of custody, shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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