

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31480 of 2018

Arising Out of PS.Case No. -20 Year- 2017 Thana -HAYAGHAT District- DARBHANGA

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MD. ATABH @ MD. AFTAB @ AFTAB @ MD ATAB S/o Md. Tayuir
@ Md. Safique , R/o Mohalla/Vill.- Rasulpur, P.S.- Hayaghat Distt.-
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with Sessions
Trial No.396 of 2017 arising out of Hayaghat P.S.Case No.20 of
2017 pending in the Court of District & Sessions Judge,
Darbhanga registered for an offence under Sections 324, 307, 302
and 120B of the IPC.

The informant of this case is son of deceased. Allegation
is that this petitioner assaulted the deceased by giving dagger blow
as a result of which deceased died in course of treatment.

It has been submitted that the informant of this case has
lodged this case with false and frivolous allegation. The daughter
of the deceased during evidence before the court below has not



recognized this petitioner as the assailant although she was present at the place of occurrence. The petitioner is in custody since 23.04.2017 having clean antecedent and so he deserves to be enlarged on bail.

The learned APP opposed the submissions.

On perusal of FIR, I find that this petitioner is named in the FIR with specific allegation that he threw the father of the informant on the ground and assaulted by dagger blow. It appears that this petitioner had divorced his wife. The deceased alongwith his daughter when reached near the place of occurrence, this petitioner intercepted and brutally assaulted by giving dagger blow. The daughter of deceased intervened to save her father, whereupon the petitioner assaulted her also. The doctor has also reported four sharp cut injuries on the person of the deceased. The doctor has reported cause of death due to haemorrhage and shock.

Considering the aforesaid facts and circumstances, prayer for bail is rejected.

(Sanjay Kumar, J)

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