

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14471 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- BAUSI District- Araria

MD. AZIM Son of Late Sk. Tafezul Resident of Village- Mohani Ward no. 10,
P.S.- Bounsi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-04-2019 Heard learned counsel for the petitioner, learned
counsel for informant and the learned APP for the State.

The petitioner seeks bail in Bounsi P. S. Case No.
56 of 2018 instituted for the offence under Section(s) 341,323,
324, 325, 307, 379,354B, 504 and 506/34 of the Indian Penal
Code.

In the written report, it is alleged that the petitioner
assaulted the Sarpunch, namely Prawez Ahmad on head with
Farsa causing serious injury on account of which he fell down
and became unconscious. It is further alleged that brother of
injured, namely, Md. Tabrej Alam came to save then he was
assaulted by Md . Tarique by means of sword on the head as a
result of which he fell down. It is further alleged that Md.
Sarfaraj Alam was also assaulted by the accused persons with



fists and slaps etc. It is further alleged that Naushad assaulted the informant with iron rod on the head, but he saved the blow with his hand and sustained injury on his finger.

Learned counsel for the informant submits that injured has been examined by the Medical Officer who advised for C.T Scan. The C.T. scan was done in private clinic. The injury was opined by the Medical Officer to be grievous in nature after examining the report of C.T. Scan.

Learned counsel for petitioner submits that C.T. Scan report was obtained by the Private Hospital. The report was challenged and thereafter Medical Board was constituted. The petitioner did not turn up before the Medical Board. He further submits that injured was called by the Medical Board for examination of his injury but he did not turn up before the Medical Board. Learned counsel further submits that FIR has been lodged after delay of 56 hours.

From the injury report it appears that injured has been examined on the same day of the occurrence. The doctor has found the injury to be grievous in nature.

As per Annexure-4, which is report of the Medical Board it has been opined that C.T Scan report is forged one. Learned counsel for petitioner submits that all these letters have



been issued without hearing the injured. He further submits that injured also got treatment in the AIMS , Patna.

Case diary has been received.

Learned APP after looking into the case diary submits that injured has been examined. He has given statement before the police levelling specific allegation against the petitioner of causing head injury to him by means of Farsa which gets corroboration from the injury report. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Petitioner is in custody since 16.9.2018.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of copy of this order.

Petitioner may renew his prayer for bail in the event trial is not concluded within the aforesaid period.

(Sanjay Priya, J)

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