

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80286 of 2018

Arising Out of PS. Case No.-119 Year-2017 Thana- KEWATI District- Darbhanga

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Shamshe Alam Khan, Son of Firoj Khan @ Firoj Alam Khan, Resident of
Village-Lahwar, P.S.-Keoti, Dist-Darbhangha.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Kedar Jha, Advocate.

For the Opposite Party : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 01-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner was granted bail on 02.05.2019 in Cr.
Misc. No. 80286 of 2018 in connection with Keoti P.S. Case No.
119 of 2017, pending in the court of learned Additional Chief
Judicial Magistrate-VII, Darbhanga, taking into one of the
considerations that all the offences are bailable except for an
offence under Section 354(B) of the IPC.

Vide Letter No. 405/2019 dated 10.05.2019, it has
been reported by learned 2nd Additional District and Sessions
Judge, Darbhanga, that the charge sheet has also been submitted
for an offence under Section 307 of the IPC alongwith other



allied Sections of the IPC. Hence the present matter, in light of the said letter, has been placed by the office.

A supplementary affidavit has been filed on behalf of the petitioner. Let it be kept on the record. The following statements have been made in paragraph nos. 3 and 6 of the supplementary affidavit.

“3. That it is humbly submitted that reality did not learn with regards to the charge sheet submitted under Section 307 of IPC by the police as all facts including injury report of all victims of the case makes the offence simple hurt as offence against human body. So pairvikar of petitioner did not take copy of charge sheet from court and handed over to the counsel of the petitioner to place the such fact before Hon’ble Court.

6. That it is humbly submitted that FIR does not disclose the Section 307 of IPC on its face. Learned court below has also not mentioned Section 307 of IPC in its impugned order while rejecting the prayer of bail of petitioner at earlier occasion.”

Considering the submissions advanced on behalf of the petitioner, the said mistake has occurred due to inadvertent mistake. The petitioner has no bonafide intention to commit such mistake.

Accordingly, the order dated 02.05.2019, passed in Cr. Misc. No. 80286 of 2018, stands modified to the extent that all



the offences are bailable except for offences under Sections
354(B) and 307 of the IPC.

(Sudhir Singh, J)

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