

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30911 of 2019

Arising Out of PS. Case No.-361 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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1. AJAHAR FARUKH Son of Sk. Shakil Resident of Village - Chintamanpur, P.S.- Govindganj (Malahi O.P.), Distt - East Champaran.
 2. Shahid Hussain Son of Sk. Shakil Resident of Village - Chintamanpur, P.S.- Govindganj (Malahi O.P.), Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner no.1 and the
learned counsel for the State .

The petitioner No.1 seeks bail in Malahi (Govindganj) P. S. case no. 361 of 2018 instituted for the offence under Sections 147, 148,149,307,302,504 and 506 of the IPC and Sections 25(1-b)a, 26 and 35/27 of the Arms Act.

Petitioner no.2, namely, Shahid Hussain has already been granted regular bail by this Court vide order dated 12.07. 2019.

It is alleged in the written report that informant along with his son, namely Israr were returning to home after offering Namaz then co-accused Wazid Hussain and Umar



Farukh started abusing both of them. It is alleged that when they raised objection then co-accused Sk. Wazid Hussain brought pistol from his house and this petitioner along with co-accused Umar having sword, Sahid Hussain was armed with weapon and Shakil armed with Danda came and started assaulting them. In the mean time, informant's son, namely, Nehal was also returning from *Diyara* field then co-accused Wajid Hussain fired shot in the chest of the informant's son on account of which, he fell down and sustained bleeding injury. Thereafter, the co-accused Wajid Hussain made another firing on his son. In the meantime, Sk. Umar Farukh gave sword blow on the informant's son, namely Israr, on account of which, bleeding took place. Co-accused Shahid Hussain also fired from his weapon. Petitioner Ajahar Farukh gave sword blow to the son of informant, namely Israr. Co accused Sk. Shakil was ordering to kill all of them.

Case diary has been received.

Learned APP after looking into the case diary has submitted that doctor has found two lacerated wound on the son of the informant, namely, Israr over the scalp. The doctor has opined the injury nos. 1 and 2 to be grievous in nature.

Learned counsel for the informant has appeared and



opposed the prayer for bail. He submits that there is direct allegation against this petitioner of causing grievous injury to one of the son of informant by means of sword and another son of informant died due to firearm injury caused by co-accused. He further submits that charge has already been framed in the Court below and trial has commenced.

In such circumstances, this Court is not inclined to grant bail to the petitioner no.1 at this stage. The prayer for bail of the petitioner no.1 stands rejected.

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

(Sanjay Priya, J)

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