

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70924 of 2018

Arising Out of PS. Case No.-64 Year-2018 Thana- DHAMDAHA District- Purnia

Asfaque @ Md. Asfaque, Son of Md. Arif @ Arif, Resident of Village-Chhoti Tarauni, Muslim Tola, Police Station-Dhamdaha, Distt.-Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 31-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 31.05.2018 in a case registered for the offences punishable under Sections 341, 323, 376/511 and 379/34 of the Indian Penal Code.

The prosecution case as per the written report of Nakima Khatoon submitted to the Station House Officer of Dhamdaha Police Station alleging therein that on 19.03.2018 at 1.30 P.M., the informant was coming from the house of her aunt, in the meantime, the petitioner Md. Asfaque dashed her from his bicycle and on protest being made, he assaulted with knife on the head of the informant. It is further alleged that the petitioner took the informant to the house of Makhbul and tried to ravish



her. On hearing the alarm, the family members of the informant reached when the petitioner assaulted with knife on the head of the brother and mother of the informant, who received bleeding injury. It is further alleged that the FIR named accused persons snatched jewellery, Rs. 1,500/- and a Samsung mobile phone from the informant. The accused persons also assaulted the sister of the informant, Sabnam and snatched chain from the mother and sister of the informant.

It is submitted by learned counsel for the petitioner that for a petty dispute, the accusation has been levelled. There is no injury report of the informant or her family members on record, statement to that effect has been made in paragraph 13 of the petition and investigation has already been concluded. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that there is specific accusation against the petitioner of causing injury to the informant and her family members. The charge sheet has been submitted under Sections 341, 323, 324, 376/511/34 of the Indian Penal Code and cognizance has also been taken under the said provisions. However, learned APP submits that the case diary is recorded till 25.07.2018 but that



does not contain any injury report.

Considering the fact that the FIR was registered on 19.03.2018 but the I.O. failed to collect the injury report, if any, till 25.07.2018 and the fact that the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea in connection with Sessions Trial No. 266 of 2018/CIS No. 266 of 2018, arising out of Dhamdaha P.S. Case No. 64 of 2018.

(Dinesh Kumar Singh, J)

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