

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12803 of 2020**

Arising Out of PS. Case No.-169 Year-2017 Thana- BIRPUR District- Supaul

SAMSER ALAM @ MD. SAMSER ALAM @ MD. SAMSER ALI Son of
Peskar Ali Resident of Village - Ghoraghat, P.S.- Birpur (Balua Bazar),
District - Supaul

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party : Mrs. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 02-06-2020 The matter has been listed today for consideration
through Video Conferencing in view of the Nationwide
Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

Petitioner seeks bail in Birpur PS Case No. 169 of
2017, S.T. No. 347 of 2019 registered under Sections 147, 148,
149, 323, 326, 354B, 307, 324 and 342 of the IPC.

The prosecution case alleges assault by 16 named
persons by various weapons. The allegation against the
petitioner is of assault upon one Nemtullah by sword.



Learned Counsel for the petitioner submits that 10 out of 16 accused persons are on bail. There is case and counter case. The petitioner's side has lodged Birpur PS Case No. 170 of 2017 in respect of the same occurrence. It is further submitted that the petitioner was not even present in the village at the time the occurrence has taken place.

Learned APP, referring to the case diary, has submitted that the allegation of assault by means of sword has been corroborated in the injury report. The case from the petitioner's side Birpur PS Case No. 170 of 2017 is subsequent to the instant case in which the petitioner is accused. The nature of injuries sustained by the victim is also such that the petitioner would not be entitled to any leniency in the matter.

Considering the rival submissions, this Court for the present is not inclined to allow bail to the petitioner.

This application is dismissed.

(Madhuresh Prasad, J)

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