

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20351 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- ARIYARI District- Sheikhpura

Md. Irfan Alam @ Md. Irfan, S/o Shahood Alam Resident of Village-
Sanaiya, P.S.- Ariyari, Distt- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar- Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 07-09-2020 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor appearing for the
State through video conferencing.

Petitioner is in custody since 13.02.2020 and seeks
bail in connection with Ariyari P. S. Case No.14 of 2020
registered for the offences punishable under Sections 302 and
other allied Sections of the I.P.C.

Petitioner is named in the first information report, but
it is alleged that petitioner along with seven named accused and
some unknown accused persons assaulted the deceased and
other injured when the deceased and others were carrying idol
of Goddess Saraswati.

Submission on behalf of the petitioner is that no



specific overt act has been attributed against the petitioner and perusal of Paragraphs-8, 9 etc. of the case diary goes to show that general allegation of assault has been levelled against the petitioner and others. He further submits that according to prosecution case itself, several persons assaulted the deceased, but only three injuries were found on the person of the deceased.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

The perusal of case diary goes to show that the statement of informant was recorded twice. The further statement of informant was recorded at Para-8 of the case diary and in the aforesaid further statement, he claimed that all the named as well as unknown persons assaulted the deceased and injured. However, again at Para-106 of the case diary, the further statement of informant was recorded on 27.02.2020 i.e. after 25 days of the alleged occurrence and in said statement, he claimed that co-accused Aslam Khan gave rod blow on the head of deceased and so far as petitioner is concerned, the informant claimed in his statement recorded on 27.02.2020 that petitioner and Aslam Khan assaulted injured Mintu Kumar @ Mantu. The injury report of injured Mintu Kumar goes to show that he sustained simple injury.



Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that investigation against the petitioner has already been completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sheikhpura in connection with Ariyari P. S. Case No.14 of 2020.

(Hemant Kumar Srivastava, J)

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