

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25161 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- RAGHOPUR District- Supaul

AFJAL KHAN Son of Md Mahiuddin Resident of Simrahi Bazar, Ward No.-
14, P.S.- Raghapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-10-2020

Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Sessions Trial No. 63/2020, arising out of Raghapur P.S. case No. 24/2019, registered u/s 341, 323, 324, 307, 448/34 of the IPC.

The informant alleged that on 01.02.2019 the petitioner and two other unknown persons assaulted the daughter-in-law of the informant with sharp cutting weapon on her neck and head. On alarm when the informant and others came they saw his daughter-in-law lying injured. The informant saw the petitioner and two others fleeing away from the place of occurrence.

The learned counsel for the petitioner submits that petitioner is innocent and he has, in fact, committed no offence. The informant has not named the petitioner as assailant of his daughter-in-law. The informant alleged that petitioner and two others assaulted his daughter-in-law with sharp cutting weapon.



The informant is not an eye witness of the occurrence. The injured was examined and during the course of investigation her statement is recorded in paragraph 16 of the case diary. She disclosed that when she came out from her house for taking water from tube well some unknown persons covered her head with clothes and assaulted her with bamboo sticks. She did not see the assailants. The husband of the injured has also not named the petitioner. It is further submitted that, of course, six injuries are found on the person of injured but the doctor did not give his opinion with regard to nature of the injuries. It is further submitted that the I.O. has not arrayed the injured as witness of the case and submitted charge sheet.

Perused the records.

It appears that informant on alarm arrived at the place of occurrence and saw the petitioner and two others fleeing away from the place of occurrence. His daughter-in-law was lying injured. Blood was oozing out from her body. The injured has not named the petitioner in her statement recorded by the I.O. It is also surprising that the I.O. although took the statement of injured but did not array her as charge sheet witness. This fact itself shows lack of application of mind and negligence on the part of I.O. who, on the face of it, appears to be incompetent to make investigation of a case. It further appears that the injured got as many as six incised wounds on different parts of her body but all the injuries appears to be skin deep. The petitioner is in custody since 09.01.2020. The petitioner has already remained in jail for more than nine months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII, Supaul in connection with Sessions Trial No. 63/2020, arising out of Raghopur P.S. case No. 24/2019.

Let a copy of this order be sent to Superintendent of Police, Supaul to take necessary action against the erring Investigating Officer.

(Prabhat Kumar Jha, J)

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