

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27993 of 2020**

Arising Out of PS. Case No.-211 Year-2019 Thana- MUFFASIL District- Aurangabad

MD. BABLI @ MD. AZAHARUDDIN ALAM S/o Md. Azu Miyan @ Md. Azamuddin Alam Resident of Village-Bahuara, P.S.-Muffasil (Aurangabad), District-Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. Incharge in absence of Mr. Rajiv Nayan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Aurangabad (Muffasil) P.S. Case No. 211/2019 registered for the offences punishable under Section 302, 307, 323, 506, 147, 148, 149 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that in the First Information Report it is alleged that altogether 11 persons lashed with Lathi, Danda and Iron Rod came to the door of the informant and at the instance of Md. Haider Ali, Md.



Kalim and Md. Yushuf this petitioner who was lashed with iron rod repeatedly assaulted on the son of the informant causing injury on his head, shoulder and at several other places, as a result of the injuries the son of the informant fell down and ultimately died.

Learned Senior Counsel for the petitioner does not dispute that as per the F.I.R. this petitioner is the sole assailant of the deceased, however it is his submission that one of the injuries is on the chest and that has not been specifically attributed to the petitioner.

On the other hand, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from the F.I.R. itself it is very specific that this petitioner had repeatedly assaulted the son of the informant, on his head, shoulder and at other places of the body and the allegations get support from the post mortem report. In these circumstances, the petitioner does not deserve privilege of regular bail.

Having regard to the facts and circumstances of the case, the seriousness of the offence alleged, the allegation that this petitioner is the assailant of the deceased who had repeatedly caused assault by iron rod, this Court is not inclined



to grant privilege of regular bail to the petitioner.

This application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

