

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79402 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- KASMA District- Aurangabad

1. MD. ASGAR Son of Md. Kalim, Resident of Pokhrah, P.S-Kasma, District-Aurangabad.
2. Md. Mazid Son of Md. Salim, Resident of Pokhrah, P.S-Kasma, District-Aurangabad.
3. Md. Shahid Son of Md. Salim, Resident of Pokhrah, P.S-Kasma, District-Aurangabad.
4. Md. Jawed @ Md. Jawid Son of Md. Salim, Resident of Pokhrah, P.S-Kasma, District-Aurangabad.
5. Md. Sabir Son of Late Doman Miya, Resident of Pokhrah, P.S-Kasma, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 82133 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- KASMA District- Aurangabad

1. MD. WASHIR Son of Md. Sadique R/O - Pokhrah, P.S.- Kasma, District-Aurangabad
2. Md. Rashid Son of Lt. Md. Maksud R/O - Pokhrah, P.S.- Kasma, District-Aurangabad
3. Md. Israr Son of Md. Sagir R/O - Pokhrah, P.S.- Kasma, District-Aurangabad
4. Md. Sagir Son of Md. Sadique R/O - Pokhrah, P.S.- Kasma, District-Aurangabad
5. Md. Shamim Son of Md. Sahjad R/O - Pokhrah, P.S.- Kasma, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79402 of 2019)

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 82133 of 2019)



For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-06-2020 Heard Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioners, Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the informant and Mr. Uma Shankar Prasad Singh, learned counsel appearing on behalf of the State through Video Conferencing.

Petitioners seek bail in Kashma P.S. Case No.37 of 2019 registered under Sections 341, 323, 147, 148, 149, 307 and 302 of the I.P.C.

The informant (widow of the deceased) alleged that on 08.06.2019 at 3:30 p.m. while Md. Suleman (husband of the informant) was returning to his house from his field, on account of previous enmity Md. Shamim, Md. Javid, Md. Zahid, Md. Rashid, Md. Kalim, Md. Ashgar, Md. Sahid, Md. Majid, Md. Sabir, Md. Basir, Md. Sagir and Md. Israr assaulted her husband with sword, tangi and garasa. Her husband was badly injured. After hearing alarm, her family members Md. Jasim, Wasim, Md. Saif, Hasina Khatoon, Md. Yunus, Md. Tanvir and others went to the place of occurrence but the accused persons indiscriminately assaulted them also. The husband of the informant died.



Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioners, submits that 12 persons are named in the F.I.R. but no specific allegation of assault is made against any of the petitioners. The informant in her further statement disclosed that Md. Kalim, who is not the petitioner here (accused at serial no.5 in the F.I.R.) assaulted her husband with sword. The occurrence took place on 08.06.2019 but the informant made her fardbeyan on 09.06.2019. The police got information on 08.06.2019 but the police did not get the name of the accused persons. The informant lodged the case after due deliberation and implicated the petitioners. The petitioners are in jail for about nine months.

On the other hand, Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the informant and learned A.P.P. vehemently opposed the prayer for bail and submitted that when the accused persons were indiscriminately assaulting the husband of the informant and other family members of the informant, it was not possible to make specific allegation against the accused as to who assaulted whom. All the accused persons indiscriminately assaulted the deceased and other family members of the informant. Seven persons were injured out of whom three persons got grievous injuries on different



parts of their bodies. The husband of the informant, who died, got as many as four injuries. Therefore, the petitioners do not deserve bail at this stage.

Having considered the facts that there is specific allegation against all the petitioners that they indiscriminately assaulted the husband of the informant and other family members of the informant with sword, tangi and garasa on account of which seven persons became injured and one person died after having received many injuries on different part of his body and three persons got grievous injuries but they survived, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

Petitioners, if so advised, may renew their prayer for bail after nine months.

(Prabhat Kumar Jha, J)

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