

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27824 of 2021

Arising Out of PS. Case No.-894 Year-2020 Thana- ARARIA District- Araria

ASLAM @ MD.ASLAM S/o Mr. Habib R/o village- Bhaag Sadulla, Idgah
Tola, Ward No. 13, P.S.- Araria (Madanpur), District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-10-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Sunil Kumar, learned counsel for the informant and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Araria (Madanpur) P.S. Case No. 894 of 2020 registered for the offence under Sections 447, 341, 324, 325, 307, 302, 504 and 34 of the Indian Penal Code. He is in custody since 19.12.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant lodged a fardbeyan on 28.10.2020 stating therein that on 27.10.2020 at about 7:30 P.M. while he was talking to his Bhabhi at his door that two days back one Aslam was saying that the shade of



mango tree in the field creates an issue, in the meantime, said Aslam was crossing from there and on hearing the talks of the informant with his Bhabhi he started abusing. Md. Aslam went to his house and got an iron rod and came at the door of the informant with an intention to kill the informant and started assaulting him on his head. The informant received injuries on his eyebrows. When his mother came there to rescue him, the wife of Md. Aslam caught hold of her and Aslam started assaulting the mother of the informant, as a result she died in the Sadar Hospital, Araria.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the informant and petitioner are cousin brothers and a land dispute is going on between the parties.

Learned counsel for the petitioner has submitted that both the parties are co-sharers and this is a case of single blow even as per the First Information Report, therefore the case of the petitioner may be considered for bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, as according to him, the petitioner has assaulted the mother as well the informant and the informant himself being injured has specifically named the petitioner as



the main assailant.

Having regard to the seriousness of the specific allegation against this petitioner that he had assaulted on the head of the mother of the informant and that injury proved fatal for her life, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.

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'.

