

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32863 of 2021

Arising Out of PS. Case No.-608 Year-2020 Thana- PHULWARISHARIF District- Patna

Nafish Imam @ Nafees Imam Son of Anwar Imam Resident of Village-
Nohasa, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 608 of 2020 instituted for the
offences under Sections 323, 307 and 341 of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.12.2020, charge-sheet has been
submitted in the case and he has got one criminal case against
him as stated in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that on 25.10.2021 while he
was going near a well of his house, the petitioner came and said



that why you don't live with your brother and started assaulting him and when the informant tried to flee away, the petitioner allegedly fired upon him, hitting on the lower back of the informant.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the date of occurrence is 25.10.2020 and the F.I.R. has been instituted on 09.11.2020, as such there is a considerable delay of more than 15 days for which no plausible explanation has been furnished. Further, it has been specifically stated that in paragraph '10' of the bail application that there is no firearm injury. Learned counsel further draws the attention of the Court to the impugned order to show that even the impugned order is completely silent with regard to the injury report as such it is submitted that had injury report been there in the diary, the same ought to have been recorded in the impugned order as the impugned order records about the case diary.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 02.12.2020, charge-sheet has been submitted in the case and F.I.R. has been instituted after a considerable delay without



any plausible explanation, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of Shri Ravi Kumar, learned Sub-Judge-IX-cum-A.C.J.M., Patna in connection with Phulwarisharif P.S. Case No. 608 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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