

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32977 of 2020

Arising Out of PS. Case No.-199 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

1. SHEKH MSEEHUDDIN @ SHEKH MASAUDEEN Son of Shekh Hakimuddin Resident of Village, P.O. and P.S.- Chainpur, District- Kaimur.
2. Shekh Shmeem Son of Shekh Hakimuddin Resident of Village, P.O. and P.S.-Chainpur, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramanuj Tiwary, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APPA.G.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-02-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners has filed an undertaking to remove all the defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. At the outset, Mr. Arun Kumar No.1, learned counsel is present in Court and states that he had initially filed Vakalatnama but would not be appearing in this matter and has no objection if the case is represented by Mr. Ramanuj Tiwary, Advocate, who has also filed Vakalatnama, and accordingly withdraws his Vakalatnama.



3. The petitioners are in custody since 27.06.2020 in connection with Chainpur P.S. Case No. 199 of 2020 for the alleged offences under Sections 323, 324, 326, 307, 379 and 504 of the Indian Penal Code.

4. It is submitted that the petitioners have been falsely implicated in the backdrop of a civil dispute in Title Suit No. 179 of 2011 of 1965/68. It is submitted that the informant and his family members are land grabbers of the area having various criminal cases against them. It is submitted that the petitioners are accused in three prior cases, two of which have been compromised and in one of the cases, they have been acquitted.

5. Learned APP invites reference to the impugned order taking note of the injuries attributed to the assault by the petitioner no.1 on Danish Khan, according to which the injury is grievous in nature.

6. Having regard to the nature of accusations and gravity of offence alleged as well as the grievous injury said to have been sustained as a result of assault attributed to petitioner no.1, this Court is not inclined to grant the privilege of bail to the petitioner no.1 Shekh Mseehuddin @ Shekh Masaudeen. The bail petition stands dismissed.



7. So far as petitioner no.2 Shekh Shmeem is concerned, having regard to the period of custody already suffered since 27.06.2020, let him be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 199 of 2020, if he is not otherwise required in any other case.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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