

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34302 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- BUXAR District- Buxar

1. Md. Shamim Khan @ Sheikh Shamim, male, aged about 30 years, Son of Late Idris, Resident of Village Barki Sarimpur, P.S. Buxar, District-Buxar.
2. Sheikh Irfan, male, aged about 25 years, Son of Sheikh Aklim, Resident of Village Barki Sarimpur, P.S. Buxar, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar..

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-01-2021 Heard Md. Harun Quareshi, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional P.P.

Petitioners seek bail in Buxar (Ind) P.S. Case No.113 of 2020, registered under Sections 341, 323, 324, 307, 379, 325, 504, 506 and 34 of the Indian Penal Code.

In sum and substance, the allegation against petitioner no.1, Sheikh Shamim is that he assaulted Sheikh Tauhid @ Laddu with iron rod on his head and petitioner no.2, Sheikh Irfan assaulted Sheikh Tauhid along with Sheikh Suman with iron rod on his both hands. The doctor found three injuries, one on head and two on both hands. All the three injuries are grievous. Petitioner No.1 is the author of the injury found on head and petitioner no.2 is the author of the injury found on one hand.

It is submitted that the petitioners are in jail for about six months. There is a counter version.



The learned Additional P.P. however, opposed the prayer for bail and submitted that the petitioner no.2 has got criminal antecedent.

It appears that there is no repetition of blow. Petitioner no.1 caused injury on head with iron rod and only one injury was found which is opined to be grievous but petitioner no.1 has remained in jail since 09.07.2020. Petitioner no.2, who assaulted Sheikh Tauhid with iron rod on his hand causing fracture injury is in jail since 25.07.2020. Both the accused have remained in jail for about six months.

Considering the facts aforesaid, petitioners, namely, Md. Shamim Khan @ Sheikh Shamim and Sheikh Irfan are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Buxar (Ind) P.S. Case No.113 of 2020.

(Prabhat Kumar Jha, J)

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