

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16934 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- CHHATAPUR District- Supaul

MD. AFROJ ALAM Son of Md. Mursalim Resident of village - Pratap Nagar,
P.S.- Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha
For the State	:	Mr.APP.
For the Informant	:	Mr. Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Chhatapur P.S. Case no. 194 of 2021 registered for the offence punishable under sections 307, 379, 354B and other allied sections of the Indian Penal Code.

As per prosecution story accused persons were constructing house on the disputed land which was opposed by the prosecution party and thereafter accused persons including the petitioner assaulted the informant, his grand son, his nephew and his son-in-law and there is specific allegation against the petitioner who assaulted nephew of the informant by means of sword.

The main submissions advanced by the learned counsel



for the petitioner are that in between both parties land dispute was admittedly running at the time of alleged occurrence, petitioner is alleged to have assaulted on the head of the injured Md. Sadrul but except one injury on his head, no injury was found which shows that no repeated assault was committed by the petitioner and same also shows no intention to kill the said injured on the part of the petitioner. Further submission is that between both parties there is case and counter case and petitioner has clean antecedent.

Learned APP for the State and learned counsel appearing for the informant have opposed the prayer for bail and submitted that there is specific allegation against the petitioner and he assaulted on the vital part of injured Md. Sadrul.

Heard both sides, perused the FIR and injury report of Md. Sadrul. As per allegation, accused persons firstly assaulted the informant and his cousin grand son and thereafter also assaulted other injured who intervened to save the informant. The assaults show that the petitioner and co-accused had intention to commit alleged crime in a planned manner and there is specific allegation against the petitioner that he assaulted on the head of Md Sadrul by means of sword and the said injury has been opined to be grievous in nature.

Considering the nature of the allegation appearing against the petitioner, it is not fit case for grant of bail to the petitioner and accordingly, his prayer for bail stands rejected.



Petitioner may renew his prayer for bail after framing of the charge. If he avails the said liberty, the learned court below will decide regular bail petition without being prejudice by this order.

(Shailendra Singh, J)

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