

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32736 of 2021

Arising Out of PS. Case No.-230 Year-2018 Thana- KEWATI District- Darbhanga

MD AZMAT ALI @ MD AZMAT Son of Late Md. Akhtar Hussain @ Md. Akhtar Resident of Village - Jalwara, P.S. - Keoti, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-01-2022 Heard learned counsel for the petitioner, Mr. Sudama Singh learned counsel for the informant and Mr. Madhura Nand Jha, learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with Keoti P.S. Case No. 230 of 2018 instituted for the offences under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 25.02.2021 and charge-sheet has been submitted in this case and has antecedent of one case which was registered after the present case.

Learned counsel for the petitioner submits that



allegation as alleged in the FIR is that this petitioner gave repeated blow to the nephew of the informant on the head by sword causing grievous injury on the order of Md. Shahnawaz.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has specifically alleged that his nephew was assaulted by sword and blows were repeated but the learned counsel draws the attention of the Court to Annexure-3 which is the injury report of the victim. The injury report records that the injuries are grievous caused by hard and blunt substance. Learned counsel further submits that since there is specific allegation of assault by sword and the Doctor opines that the injury was caused by hard and blunt substance that in itself for the purposes of bail and for present falsifies the allegation as alleged in the FIR.

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

Learned counsel for the informant submits that the injuries are grievous in nature and as far as injury report is concerned the same is not with him and, as such, is not in a position to rebut the submission made by the learned counsel for the petitioner that is whether the injury was caused by hard and



blunt substance or by sharp cutting weapon.

Considering the fact that the petitioner is in custody since 25.02.2021, charge-sheet has been submitted in this case and the injury report records that the injuries were caused by hard blunt substance let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Keoti P.S. Case No. 230 of 2018, with condition that the learned court below is satisfied after perusing the injury report that it records that the injuries were caused by hard and blunt substance.

(Satyavrat Verma, J)

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