

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37623 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MD. AATIF @ SYED AATIF WASFI S/O SYED ZULFAQUAR WASFI @
TAMANNA RESIDENT OF MOHALLA- DHARAMPUR, TOWN P.S AND
DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 19-05-2022 The applicant/accused in Crime No. 60 of 2021

registered with Samastipur Muffasil Police Station for the

offences punishable under Sections 147, 148, 149, 341, 342,

323, 325, 307, 504, 385, 387, 379 of the Indian Penal Code as

well as Section 27 of the Arms Act, by this application is

seeking his release on bail after filing of the charge sheet.

Heard both sides.

The learned counsel appearing for the applicant

argued that the applicant had already undergone pre-trial

detention for 15 months and the charge sheet has already been

filed. It is further argued that there is counter case and even

brother of the present applicant had filed complaint from the

jail.



As against this, the learned Additional Public Prosecutor opposed the application by contending that the offence is serious. The applicant is having criminal antecedents and hence no case for grant of bail is made out.

I have considered the submissions so advance and also perused the material placed before me. Though there is dispute regarding number of criminal antecedents of the applicant, the applicant himself has given list of six offences registered against him in his bail application.

The FIR of the subject crime was lodged by Tarun Rai. He is owner of a shop named Sri Radha Traders at Dharampur. It is averred by him that his sons Prince Kumar and Navneet Nayan were proceeding to Dharampur for opening the shop from their house. On the way their motorcycle was accosted by six accused persons including the present applicant. They were beaten by the applicant and other accused persons. It is further averred in the FIR that thereafter the applicant and his associates went to the shop of first informant and threatened Prince Kumar and Navneet Nayan to pay Rangdari that is amount of extortion by pointing pistol. They looted an amount of Rs. 80,000/- and left the spot after threatening. It is further averred that when Prince Kumar and Navneet Nayan informed



this incident telephonically and when other members of the family including the first informant reached the shop, again the present applicant and his associate came and assaulted the members of the prosecuting party.

Though initial incident appears to be the incident of road rage, subsequent behaviour of the accused persons including the applicant mentioned in the FIR needs to be noted. They visited the shop of the first informant twice. It is averred against the applicant that he had pointed a firearm at victim Navneet Nayan by demanding amount of extortion and looted an amount of Rs. 80,000/-. It is further averred that the applicant and his associates assaulted members of the prosecuting party.

There is specific allegation of assault on Arun Kumar Rai by the present applicant. Injury certificate of victim Arun Kumar Rai shows that he has suffered seven injuries which according to the opinion of the doctor are grievous in nature. His left occipital bone was found to be fractured in the incident. NCCT of his head revealed subdural hematoma of left parietal and occipital area. Post cranioplasty changes were found in his left parietal bone. Other victim of the crime in question namely Navneet Nayan had suffered fracture injury to upper end of left ulna which was reported to be grievous in nature. Injured Tarun



Rai had sustained fracture injury to his right hand which was reported to be grievous in nature. He had sustained in all five injuries. Victim Prince Kumar had sustained eight injuries and shaft of lower end of his left ulna was found to be fractured. NCCT of his head revealed extradural hematoma at right fronto-temporal region and subdural hematoma over left temporo-parietal area. There was fracture injury to his temporo parietal bone.

The mode and manner in which the incident took place and successive assault on the members of the prosecuting party so also the extensive damage caused in the said assault to the members of the prosecuting party prevents me from granting bail to the applicant who seems to be a repeat offender. The application is accordingly rejected.

(A. M. Badar, J)

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