

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48974 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- AAJAM NAGAR District- Katihar

Md. Mojamnil @ Md Mujjamnil@ Md Muzamil Son of Late Md. Magid @
Magid Alam @ Majid Resident of Village- Jitwarpur, Gorakhpur, P.S.-
Azamnagar (O.P. Salmani), District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Informant	:	Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State
through virtual court proceedings.

The petitioner seeks bail in connection with
Azamnagar P.S. Case No. 18 of 2020 instituted for the offences
under Sections 341, 323, 307, 379, 504, 506 and 34 of the
Indian Penal Code

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his son (victim) was assaulted by the
family members of his wife and the petitioner assaulted the



victim on his head by iron rod and the victim became unconscious.

Learned counsel for the petitioner has very specifically in his bail application at paragraph '8' has stated "That the perusal of the FIR, it will be find that no any specific allegation against this petitioner but alleged only for exchange of enmity because daughter of the Md. Mujammil namely Majhabi Khatoon filed a complaint case before C.J.M., Katihar as Complaint Case No. 248/2020 against the informant u/s 498(A) and other section of the IPC". Further, paragraph '9' of the bail application records "That perusal of the FIR, it will be find that the petitioners has been alleged only on the ground that petitioners No. 1 to 4 are brother of the Majhabi Khantoon, who is wife of Md. Parwej, moreover specific allegation against the Md. Mahmmil as assaulted iron rod on the head of son of the informant Mr. Parwej". Further at paragraph '10' it has been pleaded "That the allegation against the petitioner is general and omnibus not specific against the petitioners thus they are deserve for anticipatory bail".

The Court till now has not come against such a casual pleading made in a bail application where an impression is reflected that efforts were made to mislead the Court when there



is specific allegation against the accused in the F.I.R. but in the pleadings it has been stated that there is no specific allegation and even the learned counsel for the petitioner while drafting the bail application was so casual in his approach that he recorded at paragraph '10' that the petitioner deserves anticipatory bail when this is a case for regular bail.

Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation of assault against this petitioner and the injury caused to the victim on his head is grievous.

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

Considering the fact that the injury caused to the victim on his vital part of the body is grievous, the Court is not inclined to grant bail to the petitioner, for the present. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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