

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.41614 of 2022**

Arising Out of PS. Case No.-264 Year-2018 Thana- RAJAON District- Banka

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Md. Abdul Rashid @ Babloo Son of Late Abdul Gafoor Resident of Village -  
Harna Bujurg, P.S.- Rajoun (Nawada Bazar O.P.), District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      07-11-2022                      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  
learned APP for the State.

Petitioner seeks regular bail in connection with  
Rajoun P.S. Case No. 264 of 2018 registered for the offences  
punishable under Sections 147, 148, 149, 341, 323, 307, 379  
and 504 of the Indian Penal Code and Section 27 of the Arms  
Act.

As per the prosecution, the informant has alleged that  
while he was standing at his house's doorpost the petitioner with



ten other named co-accused persons started abusing and assaulting the informant by means of fists and slap and also this petitioner with the intention to kill the informant opened fire at him causing fire-arm injury, this occurrence happened due to the protest made by the informant earlier that morning when the petitioner with the other co-accused person came to pluck mangoes from the informant's mango tree.

The main submissions advanced by the learned counsel Mr. Md. Nurul Hoda for the petitioner are that the petitioner is alleged to have caused injuries to the informant by using gun but the injuries found on the body of the informant have not been revealed to be grievous in nature by the doctor concerned and one injury of the informant has been opined to be simple in nature and in respect of the second injury found at the chest of the informant no final opinion was given by the doctor concerned as the informant did not produce himself for X-ray examination and the petitioner has been languishing in jail since 27.09.2021. Further submission is that both the parties are agnates, in between them land dispute is admittedly running and the petitioner is facing trial and till now no prosecution witness has been produced and examined by the prosecution party. Further submission is that against the petitioner there is criminal



antecedent of one case which was lodged during the election period in which the petitioner has been granted bail.

Learned APP Mr. Ajit Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and Annexures 2 and 3 submitted on behalf of the petitioner. As per the FIR against the petitioner there is specific allegation of having caused fire-arm injury to the informant and the said allegation gets corroboration from the injury report of the informant and the petitioner has earlier remained involved in the offences punishable under Arms Act for which Nawada P.S. Case No. 364 of 2021 was lodged. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

As the charge has been framed against the petitioner by the Trial Court as appears from the order impugned and as per above submission no prosecution witness has been examined till now hence the Trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one year. If the trial of the petitioner is not concluded in the said period or no witness is examined by the prosecution in



the next three months, then in the presence of either of these  
circumstances the petitioner may renew his bail prayer.

(Shailendra Singh, J.)

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