

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22149 of 2023

Arising Out of PS. Case No.-65 Year-2019 Thana- RUPAULI District- Purnia

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1. MD AFTAB ALAM @ PAPPU SON OF MD KIFAYAT @ KIFAYATULLAH RESIDENT OF VILLAGE- CHAPAHARI , PS- RUPOULI, DISTT- PURNIA
 2. MD ANWARUL @ KHALIFA @ ANWAR SON OF MD FAIZ RESIDENT OF VILLAGE- CHAPAHARI , PS- RUPOULI, DISTT- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Pramod Kumar Mallick, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP Mr. Pramendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-05-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Rupouli P.S. Case no. 65 of 2019 registered under sections 307, 147, 148, 149, 341, 323, 324, 325, 354 and 448 of the Indian Penal Code.

3. As per the prosecution case, 21 named accused persons including the two petitioners herein are said to have come variously armed. The petitioner no.1 is said to have assaulted Mithilesh Sah with a farsa on his head while petitioner no.2 assaulted Dev Sah with a rod on his hand.

4. Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the case. There is case and counter case between the parties. The manner of occurrence is other than what has been narrated in the FIR. There are injuries on both sides. The petitioners are in custody since 24.1.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State and learned counsel for the informant.

6. Learned counsel for the informant submits that the injury caused by both the petitioners have been found to be grievous in nature and the injury caused by the petitioner no.1 is on the scalp ie vital part of the body. It is further submitted that the petitioner no.1 has suppressed his antecedents by not mentioning the same in paragraph no.3 of the petition.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner no.1 of having assaulted Mithilesh Sah with a farsa on his head and the same being grievous in nature, the Court is not inclined to enlarge the petitioner no.1 on bail and his application is rejected.

8. Liberty is granted to petitioner no.1 to renew his prayer for bail after completing one year in custody.

9. So far as petitioner no. 2 is concerned, in view of there being case and counter case between the parties, the inquiry



attributable to this petitioner being on the hand, the petitioner no.2 having remained in custody for more than 3 months, chargesheet having been submitted in the case and him not having any criminal antecedent, the Court directs the petitioner no.2 to be enlarged on bail in connection with Rupouli P.S. Case no. 65 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Purnea.

(Partha Sarthy, J)

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