

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 BAIL APPLICATION NO.1297 OF 2023

JUBER KHAN JAFAR KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Tilve Akshay Subhash, Mr. Tilve
Subhas P
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
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**CORAM : S. G. MEHARE, J.
DATE : 08.08.2023**

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.346 of 2021, registered with Kotwali Police Station, District Parbhani, for the offences punishable under Sections 307, 323, 201 read with Section 34 of the IPC.
3. Learned counsel for the applicant would submit that the injuries suffered to the injured were simple. The injured did not name the applicant correctly. He is not Juber Shaikh, but, Juber Khan Jafar Khan Pathan. The investigation has been

completed. He is languishing in jail since long. He is a young boy of twenty one, having no antecedents. Hence, he may be granted bail.

4. Learned APP opposed the bail application and argued that the applicant has repeatedly assaulted the injured on his neck and throat. Therefore, the nature of injuries would not material. From the conduct of the applicant, his intention can be inferred that he was bent upon to kill the injured. As far as the objection as regards the name, learned counsel for the applicant without raising ground in bail application, first time orally claiming the bail on the ground that the person named as Juber Khan Jafar Khan Pathan and Juber Shaikh as named in the FIR are different. He never raised the objection as such. The offence is grave. Hence, he does not deserve bail.

5. The injured and the applicant were knowing each other. Possibility of calling the applicant by name Juber Shaikh also cannot be ruled out. The applicant has caused the injuries to the injured with knife. Though nothing is recovered from him, the allegations were serious against the applicant. Considering the organ on which the injuries were caused, the Court is of the view that the applicant was most aggressive and bent upon to kill the first informant. For the offence under Section 307 of

the Indian Penal Code, injury is immaterial. For these reasons, it is not desirable to grant him bail.

6. Hence, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-