

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32467 of 2024

Arising Out of PS. Case No.-103 Year-2018 Thana- BHARGAMA District- Araria

Md. Jamshed @Jamshed @ Sikandar @ Sikender, Son Of Md. Jabbar,
Resident Of Village- Paikpar, Ward No. 05, Ps- Bhargama, Dist- Araria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Nishant Kumar Sinha, learned Advocate
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State. The informant is represented by
Mr. Ramesh Kumar Singh, learned Advocate.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bhargama P.S. Case No.
103 of 2018 registered for the offence punishable under Sections
341, 323, 324, 354B, 307, 504 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that while the informant alongwith her husband was in
the field, in the mean time all the FIR named accused persons
including the petitioner came there and started assaulting them.
It is specifically alleged this petitioner assaulted the husband of
the informant by means of dabiya causing injury over his head.

4. Learned Advocate appearing on behalf of the



petitioner contended that the FIR clearly narrates that the petitioner has assaulted the husband of the informant by means of dabiya over his head, however, the injury sustained over the head of the injured is found to be simple in nature. It is further contended that both the parties are neighbor and on account of a land dispute they entered into a scuffle resulting into injury to the informant and her husband. It is also contended that now the petitioner is in custody since 23.01.2024 and the chargesheet has been submitted.

5. On the other hand, learned Advocate for the State as well as the informant vehemently opposed the bail application and have drawn the attention of this Court to the injury report. Referring to the injury report it is submitted that the husband of the informant received eighteen injuries over the bodies, there are altogether five grievous injuries sustained by the injured. It is further contended that it is very difficult for the informant in a situation where her husband was brutally assaulted by various persons, to disclose the specific nature of injury caused by which weapon or by whom.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injuries which is attributed against all the accused persons including the



petitioner, this Court is not persuaded to enlarge the petitioner on bail for the present.

7. The petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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