

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58371 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- ABADPUR District- Katihar

MD. ASLAM S/O MD. KHALEK SARKAR @ MD. KHALIK R/O
VILLAGE- CHAPAKHOR, P.S- ABADPUR, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

8 14-03-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Abadpur P.S. case No. 39 of 2023 instituted for the offences under Sections 447, 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code subsequently Sections 302/307 of the Indian Penal Code was added.

3. Prosecution case, in short, is that all the accused persons including this petitioner armed with weapons came at the place of occurrence and started abusing the informant. When the informant opposed, Md. Aslam (petitioner) gave a chapar blow on the head of the informant and when the father and mother of the informant came to save him, the accused persons



assaulted both of them due to which father of the informant sustained injury on his head. It is further alleged that during occurrence, the accused persons took out Rs. 10,000/- from the pocket of the informant.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is earlier land dispute between the parties. There is case and counter-case between the case. Learned counsel further submitted that on a petty dispute the scuffle took place between the parties and both the parties sustained injuries. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.06.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation against the petitioner of assaulting the deceased.

6. Earlier, vide order dated 30.01.2024, stage of the trial was called for from the learned court below and the same has been received and kept at Flag-R. The said report indicates that the case has been pending in the stage of appearance. Trial



Judge further reported that he will try to dispose of the same within one year.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence and perusing the status report of the learned court below, I am not inclined to grant bail to the petitioner.

8. Prayer is rejected. However, liberty is given to the petitioner to renew his prayer for bail if the trial is not concluded within one year.

(Rudra Prakash Mishra, J)

Alok Verma/-

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