

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75683 of 2024

Arising Out of PS. Case No.-351 Year-2024 Thana- ARARIA District- Araria

Mujahid son of Suleman RESIDENT OF VILLAGE- AZAM NAGAR,
KUSIYAR, WARD NO 3, PS- ARARIA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard Mr. Gopal Kumar Jha, learned counsel for the
petitioner and Dr. Indihar Kumari, learned APP for the State.

2. The petitioner is in judicial custody in connection
with Araria P.S. Case No. 351 of 2024 for the offence
punishable under Sections 341, 323, 324, 307, 427, 354/34 of
the Indian Penal Code lodged on 25.06.2024 by the informant,
Md. Urphan.

3. As per the prosecution story, the informant alleged
that while he was in house, the accused persons came and then
broke the wall/tubewell. When this was objected, the allegation
that Suleman gave ‘Dabia’ blow to the informant while the
petitioner assaulted one Aftab with iron rod. Again so far as
Azad is concerned, he assaulted Eklakh whereas they
misbehaved with the daughter-in-law. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that they are agnates and minor scuffle took place which has been given the colour of assault.

5. Learned APP on the other hand taken this Court to observation of learned Sessions Judge to show that the rod blow on the head of the Aftab have been found to be grievous in nature and entire injures have been incorporated in the said order.

6. Taking into account the allegation that has come against the petitioner as also the fact that the assault on the head and injury has been found to be grievous in nature, for the present, this Court is not inclined to extend him the privilege of bail. Accordingly, the same is rejected.

(Rajiv Roy, J)

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