

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31002 of 2015

Arising Out of PS.Case No. -219 Year- 2014 Thana -MAIRWA District- SIWAN

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1. Sheo Shankar Yadav Son of Chandeshwar Yadav Resident of village -
Fulwaria, Police Station - Mairwa, District - Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey

For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-11-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mairwa P.S.
Case No. 219 of 2014 registered for the offence punishable under
Sections 341, 324, 307, 379/34 of the Indian Penal Code

Allegedly, when the informant protested the petitioner from
putting maize bundle on his field then the petitioner assaulted the
informant with knife on his stomach and further other co-accused
caught and thereafter, the petitioner assaulted him with knife on his
stomach and further they snatched gold chain.

Submission is of false implication, this case has been lodged
in retaliation as the father of the petitioner has lodged Mairwa P.S. Case
No. 206 of 2014 on 12.10.2014 whereas this case has been lodged on
08.11.2014 for the occurrence of 11.10.2014. Only one injury has been
found on the informant which is 1 ½" x ½" x muscle deep whereas the
petitioner and his father also received injuries. Chargesheet has already

been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that on the person of the informant one grievous injury has been found which is on vital part.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No. 219 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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