

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28331 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -SAHPUR District- PATNA

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Shiv Nath Rai S/O Late Kamaldhari Rai R/O Daudpur Bagicha P.S.
Shahpur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate.

For the Opposite Party : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-08-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that her father was constructing the boundary wall in front of his house, but the neighbours came and began to abuse for construction of boundary wall.

Submission is that the occurrence took place as both the parties claimed the ownership of the land. The petitioner is alleged to have assaulted Rekha Devi with Khanti on her head and her eyebrow. Two injuries are found having dimension of 4"x1/4"x1/4" and 4"x1/2"x skin deep, but the opinion of the injury is yet to be given. The petitioner is in jail since 28.02.2015.

On the other hand learned counsel for the informant as well as the learned APP vehemently opposed the prayer for bail and submitted that two injuries were caused on the vital part of the body.

Considering the facts aforesaid and the fact that, of course, two injuries are caused on the head and eyebrow of Rekha Devi, but opinion with regard to the injuries has not yet been submitted, the petitioner is in jail for last more than five months, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri A.K. Thakur, the learned Judicial Magistrate, First Class, Danapur, Patna in Shahpur P.S. Case No. 37 of 2015.

(Prabhat Kumar Jha, J.)

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