

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27870 of 2015

Arising Out of PS.Case No. -9 Year- 2011 Thana -IMAMGANJ District- GAYA

1. Vikash Bhuiyan Son of Late Vijay Bharti resident of village - Mohanpur,
P.S. Imamganj, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Imamganj P.S.
Case No. 09 of 2011 registered for the offences punishable under
Sections 341, 323, 504 and 307/34 of the Indian Penal Code and
Section 34 of Prevention of Witch (Daain) Practices Act, 1999.

Allegedly on the allegation that the informant was
practicing as *Ojha*, the petitioner and other co-accused wrongfully
restrained him and assaulted on his head and nose with knife,
causing several injuries to him and he remained in the wheat field
whole night.

Submission is of false implication and that there is no
specific allegation against the petitioner and he is suffering in

custody since 25.11.2014. Injuries have been found on the person of the informant are not dangerous. Both parties have settled their dispute outside the court and a compromise petition has also been filed in the court below vide Annexure-2 and, as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes but fairly submits that considering the detention of the petitioner, now he may be granted bail.

In the facts and circumstances stated above, 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 Judicial Magistrate, 1st Class, Sherghati (Gaya) arising out of Imamganj P.S. Case No. 09 of 2011 subject to the conditions that one of the bailors must be 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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