

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39052 of 2014

Arising Out of PS.Case No. -152 Year- 2013 Thana -AWTARNAGAR District- SARAN

1. Kanhaiya Singh Son of Late Chhathu Singh Resident of Bharhapur, P.S.
Awatarnagar, District - Saran, Bihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Md.Arif (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-02-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 28.8.2014 in a case registered for the offences punishable under Sections 147,148,149,342,323,324,504 and 307 of the Indian Penal Code.

It is alleged that on the order of the petitioner, altogether five persons assaulted the informant though it is alleged that petitioner also assaulted with iron rod on the head of the informant. Thereafter, the petitioner along with the brother tried to throttle the informant by putting a rope around his neck.

It is submitted by the learned counsel for the petitioner that the accusation is omnibus and general. Six persons are alleged to have made assault when only three injuries have been found. The informant is accused in a case registered for the killing of the

mother of the petitioner whereas wife of the petitioner lodged Awtarnagar P.S. Case No. 153 of 2013 against the informant and thereafter the present case has been lodged.

It is submitted by learned counsel for the informant that the accusation of making assault against the petitioner is on the head of the informant when injury on the head has been found to be grievous in nature.

Considering the accusation being not thoroughly corroborated by the injury report as only three injuries have been found against the accusation of indiscriminate assault by six persons whereas there is no injury on the neck of the informant when specific case of the informant is that he was being throttled by putting a rope around the neck and the litigated relationship between the parties, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saran in connection with Awatarnagar P.S. Case No. 152 of 2013.

(Dinesh Kumar Singh, J)

Anil/-

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