

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45099 of 2014

Arising Out of PS.Case No. -163 Year- 2013 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Ajay Kumar @ Guddu Son of Kamal Prasad Yadav Resident of Village -
Banki Tikam, P.S. Madhuban, Distt. - East Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-02-2015

Heard both sides.

The petitioner seeks bail in a case registered under section 307 and other allied sections of the Indian Penal Code and 27 of the Arms Act.

Rakesh Kumar the informant alleged that the accused persons entered into his house and Ajay Kumar @ Guddu the petitioner assaulted him with sword which hit on his head. When his father Bharat Bhushan came to save him Kamal Prasad Yadav assaulted with but of country made pistol , Arun Kumar assaulted with pears Ajay Kumar @ Guddu assaulted with Sword, Sanjeev Kumar and Rajeev Kumar with stick assaulted his father Bharat Bhushan on head.



Learned counsel for the petitioner submits that informant Rakesh Kumar did not receive any grievous injury. There is counter version bearing Madhuban P.S. Case no. 169 of 2013. Bharat Bhushan the father of the informant got injury on head but after city scan it transpires that there was one fractured injury and hematoma which cannot be caused by blow of sword. Five persons are alleged to have assaulted Bharat Bhushan father of the informant but only one injury was found. Other four accused persons have already been enlarged on anticipatory bail. Petitioner is in jail since 01.09.2014.

Learned counsel for the informant opposed the prayer for bail and submits that the father of the informant got grievous injury on head.

On consideration of fact it appears that petitioner is alleged to have assaulted Bharat Bhushan on head. Four other persons Arun Kumar, Kamal Pd. Yadav, Ajay Kumar @ Guddu, Sanjeev Kumar and Rajeev Kumar are alleged to have assaulted the father of the informant with lathi and butt of pistol but only one injury was found on the head which is found to be grievous in nature. Petitioner has already remained in jail about six months.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing

bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Shri Divesh Kumar, J.M. Ist Class, Sikarahna at Motihari in Madhuban P.S. Case no. 163 of 2013.

(Prabhat Kumar Jha, J)

M.Rahman/-

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