

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27354 of 2015

Arising Out of PS.Case No. -262 Year- 2014 Thana -BHANGWANPUR HAT District- SIWAN

1. Pardeshi Rai son of Harangi Rai resident of Village - Mundipur, P.S. Bhagwanpur, Distt - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Bhagwanpur Hat P.S. Case No. 262 of 2014 registered for the offence punishable under Sections 147, 148, 149, 307, 323, 324, 302 of the Indian Penal Code.

Allegedly, when the informant was returning to his house after meeting Narain Rai, the petitioner gave Tangi blow on him and then the informant raised alarm and his family members came and then co-accused Jogendra Rai with sword, Akhilesh Rai with Farsa, wife of Jogendra Rai with lathi and the daughter of the petitioner Krishnawati Devi started assaulting the informant, his cousin Binda Rai, Umesh Rai with Farsa, sword, Tangi and lathi

causing serious injuries and thereafter, they were brought to Bhagwanpur Primary Health Centre and from there the doctor referred to Sadar Hospital, Siwan and from Siwan the informant and Binda Rai were referred to PMCH for better treatment and in the way to Patna, Binda Rai succumbed to the injuries. The occurrence is said to be occurred due to land dispute.

Submission is of false implication and due to land dispute, the petitioner has got no criminal antecedent, there are three injuries on the persons of the informant out of which injury no. 2 and 3 are simple in nature and for injury no. 1. opinion has been kept reserve, on the person of Umesh Rai also injuries are simple. In the post mortem there are two injuries which are caused by hard and blunt substance and, as such, the petitioner who has voluntarily surrendered on 19.02.2015 deserves sympathetic consideration to which the learned APP opposes by submitting that injured Umesh Rai has stated that the petitioner was also assaulting the deceased.

In the facts and circumstances stated above, considering that due to land dispute the occurrence has taken place, there is no specific allegation against the petitioner and in post mortem report both injuries have been found to be caused by hard and blunt substance, 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 Sri Manoj Kumar, J. M. Ist Class, Siwan in connection with Bhagwanpur Hat P.S. Case No. 262 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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