

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2338 of 2015

Arising out of PS.Case No. -697 Year- 2013 Thana -KHAGARIA District- KHAGARIA

Sujit Paswan, Son of Arun Paswan, Resident of Village Kamalpur, P.S.
Khagaria, District Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Shri Ranjeet Kumar Singh, Advocate
For the State : Shri Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 09-07-2015

Heard.

Let the petitioner surrender and pray for regular bail before the court below in connection with Khagaria P.S. Case No. 697 of 2013. The court below is directed to have a glance of the order passed by the learned Sessions Judge, Khagaria who has recorded that the injury sustained by the informant and other five persons were simple in nature but that sustained by the informant was on his head. The Magistrate who handles the prayer of bail of the petitioner shall consult Section 320 of the Indian Penal Code and on such consultation he may find that an injury being on anybody's head is never defined to be a grievous injury. The court below shall also keep in its mind that in order to bringing a case under Section 307 of the Indian Penal Code, there may not be any need of any injury

but intention and knowledge of the likely result of the act which was alleged committed by the accused has to be discerned from the nature of the injury also so as to inferring as to whether the ultimate act would have caused death of the injured. That does not appear from the facts of the present case. The court below shall admit the petitioner to bail after execution of a bond to its own satisfaction.

With the above direction, the petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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