

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6281 of 2015

Arising Out of P.S. Case No. -19 Year- 2013 Thana - PAHARPUR District - EAST CHAMPARAN
(MOTIHARI)

=====

Mishri Lal Thakur, son of Lalsha Thakur, Resident of Village - Siswa
Maldahiya, Police Station - Paharpur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Sanjay Kumar No.7, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-03-2015

Heard both sides.

The petitioner seeks regular bail in a case under
Section 307 and other sections of the Indian Penal Code.

The informant alleged that the accused persons
including the petitioner firstly assaulted him and thereafter when
his son Dipak Kumar came to save him, Mahant Thakur and
Mishri Lal Thakur (the petitioner) assaulted him with iron rod.
Other accused persons assaulted him with fists and slaps.

Learned counsel for the petitioner submits that the
date of occurrence is 20.01.2013. Dipak Kumar was examined on
21.01.2013 but the F.I.R. was lodged on 03.02.2013. The
investigating officer has not collected any injury report during the
course of investigation. Two persons, namely, Mahant Thakur and
the petitioner Mishri Lal Thakur, are alleged to have assaulted

Dipak Kumar with iron rod on his head, but it does not appear that how many injuries were found on the head of Dipak Kumar. The petitioner is in jail since 19.10.2014.

Learned A.P.P., on the other hand, opposed the prayer for bail and submitted that there is an allegation against the petitioner that he also assaulted Dipak Kumar with iron rod on his head. The doctor found heamatoma in the head of Dipak Kumar and extra-dural hemorrhage with mass effect was found inside the brain of Dipak Kumar, which was evacuated.

Considering the facts aforesaid that the two persons are alleged to have assaulted Dipak Kumar but the F.I.R. was lodged after 15 days of the occurrence and the petitioner has remained in jail for more than five months, 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 the like amount each to the satisfaction of Sri R.K. Rajak, Judicial Magistrate, First Class, Sadar, Motihari, East Champaran in Paharpur P.S. Case No. 19 of 2013.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--