

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26369 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -KASMA District- AURANGABAD

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1. Md. Mustaque @ Md. Mostak Son of Late Md. Razak , Resident of
Village- Sherpur, P.S. - Kasma, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Gulnar Begum (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kasma
P.S. Case No. 47 of 2014 registered for the offence punishable
under Sections 341, 323, 324, 307, 504, 506 of the Indian Penal
Code.

The allegation against the petitioner is that he assaulted
Md. Amin with Garansa on his head and on leg.

Submission is of false implication and that no offence
under Section 307 IPC is made out, the injury found on left knee
joint is simple in nature and the petitioner is suffering in custody
since 03.01.2015.

Learned APP opposes the prayer of bail by submitting

that the witnesses have supported the allegation and the petitioner has repeated the blow and further the Garansa was also seized vide para 9 of the case diary. The doctor has found sharp cut injury on the forehead on skull and also lacerated cut over left knee joint.

In the facts and circumstances stated above, noticing that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and considering the period of detention, 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Kasma P.S. Case No. 47 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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