

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29400 of 2015

Arising Out of PS.Case No. -99 Year- 2012 Thana -BOCHHA District- MUZAFFARPUR

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1. Dinesh Sah Son of late Ramashish Sah Resident of Village Rashi, P.S
Bochaha, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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

3 29-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bochaha
P.S. Case No. 99 of 2012 registered for the offences punishable
under Sections 341, 323, 324, 307, 379 and 504 of the Indian
Penal Code.

The petitioner being the full brother of the informant,
along with other F.I.R. named accused person, due to land dispute
started assaulting the informant and the petitioner gave *Garasa*
blow on left side of the head, causing cut injury resulting he fell
down and became unconscious and thereafter the informant was
brought to Bochaha Primary Health Centre where he was treated
and his fardbeyan was recorded.



Submission is of false implication and that the informant has lodged three more cases and the wife of the informant has lodged one case also. Though there is dispute for partition of ancestral land and to put pressure, he is being implicated in one case after another. The doctor has found grievous injury caused by sharp cutting weapon but not dangerous and the petitioner is suffering in custody after his surrender since 16.04.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and further there is no allegation of repeating the blow.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that though there is allegation of assaulting the informant on vital part but the injury has not been found dangerous and further the petitioner has not repeated the blow and considering his detention, now 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, Muzaffarpur arising out of Bochaha P.S. Case No. 99 of 2012 subject to the conditions that one of the bailors must be 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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