

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3016 of 2015

Arising out of PS.Case No. -253 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

Nand Lal Prasad, Son of Late Bhola Prasad, resident of Village-Mahind
Bara, P.S. Mahnar, District-Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kanhaiya Pd. Singh, Advocate.
For the Opposite Party : Mr. Rita Verma(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 22-04-2015 Heard learned counsel for the petitioner and the
Additional Public Prosecutor for the State.

The petitioner is in jail custody since 28.10.2014 in a
case initially registered under Section 307 and other minor
Sections of the Indian Penal Code as well as Section 27 of the
Arms Act but one injured of the aforesaid case, died in course of
his treatment and accordingly, Section 302 of the Indian Penal
Code was also added.

It would appear from perusal of the F.I.R., that the
petitioner and one co-accused, namely, Manish Kumar, are said to
have given Garasa blow causing injury to the deceased.

Paragraph 61 of the case diary reveals that the deceased

Rambali Das sustained three injuries and only one injury was found on his scalp and so far as two injuries are concerned, the same were found on index middle finger as well as chest of the deceased respectively.

The contention on behalf of the petitioner is that on the alleged date of occurrence, it was prosecution party who attacked on the house of the petitioner and set the house of the petitioner on fire due to land dispute and further prosecution party mercilessly assaulted the petitioner and others for which Mahnar P.S. Case No. 254 of 2014 was lodged by the petitioner on the alleged date of occurrence itself. It is further contended by him that the police having got information of altercation came there but the prosecution party of the present case, attacked on the police for which the police lodged Mahnar P.S. case No. 255 of 2014 against the prosecution party of this case.

Taking into consideration the above stated submissions as well as this aspect of the matter that two persons are said to have given Garasa blow on the head of the deceased but only one injury has been found on the head of the deceased, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class,

Vaishali at Hajipur, pending in connection with Mahnar P.S. Case
No. 253 of 2014.

U.K./-

(Hemant Kumar Srivastava, J)

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