

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35152 of 2015

Arising Out of PS.Case No. -54 Year- 2014 Thana -GHOSBARI District- PATNA

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1. Gendhari Yadav Son of Prabhu Yadav, resident of village - Gosaigaon,
P.S. - Ghoswari, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-11-2015

Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 323, 324, 326, 307, 509
and 506 of the I.P.C and section 27 of the Arms Act.

The allegation against the petitioner is that he
assaulted the informant by means of farsa on her head and further
caused threats to withdraw the case.

Submission is of false implication and that the present
case has been lodged after delay of five days without any
reasonable explanation. No offence under section 307 I.P.C is
made out as there is no allegation of repeating the blow. Both
parties are co-villagers and due to land dispute the petitioner and
others have been implicated in this case. Co-accused Ramchandra

Yadav has already filed Ghoswari P.S. Case No. 52 of 2014 and this case is counter blast. The petitioner is suffering in custody since 13.05.2015. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that sharp cutting injury has been found in front of head.

In the facts and circumstances as stated above, considering that there is no allegation of repeating the blow, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such considering detention of the petitioner now he is directed to 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 A.C.J.M. Barh, Patna in Ghoswari P.S. Case No. 54 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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