

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28047 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -ADHAURA District- BHABHUA (KAIMUR)

Santosh Gupta, Son of Kishun Sah, Resident of Village Vinova Nagar, P.S. Adhaura, District Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Shri Ashok Kumar Garg, Advocate
For the State : Smt. Sangita Sharma, APP

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 22-07-2015

Heard.

Let the petitioner surrender and pray for regular bail before the A.C.J.M., Kaimur at Bhabhua or any Magistrate who could be seized with Adhaura P.S. Case No. 09 of 2015 under Sections 307 etc. of the Indian Penal Code.

The attention of the learned Magistrate is drawn to paragraph-5 of the very order of rejection passed by the learned Sessions Judge, Kaimur at Bhabhua on 02.05.2015 in Anticipatory Bail Petition No. 329 of 2015 in which the learned judge has written that the petitioner had caused a fracture in the hand of the informant. Notwithstanding the sections of offences which could have been inserted in the First Information Report, the learned Magistrate shall consider that hand could never be a vital organ or vital part of the body and

giving a blow with *lathi* or *danda* to hand may not indicate the necessary intention and knowledge of committing an offence under Section 307 of the Indian Penal Code. Keeping this observation of this Court in mind, the learned court below shall consider the prayer for regular bail of the petitioner if he surrenders and prays for bail without being prejudiced by any order of rejection passed by any court.

With the above observation, this petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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