

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23998 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -JADOPUR District- GOPALGANJ

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Harkesh Bhagat S/o Late Sheodhari bhagat Resident of Village Nirajana,
P.S. Jadopur, District Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. Pramod Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 04-11-2015 Heard Sri Ranjan Kumar Srivastava, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody since 16-03-2015 in
Jadopur P.S. Case No. 18 of 2015 registered for the offence under
Section 302 & other allied sections of the Indian Penal Code, has
prayed for grant of bail.

It was submitted by learned counsel for the parties
that due to land dispute, occurrence had taken place, in which,
freely both side participated.

It has been argued by learned counsel for the
petitioner that in the said occurrence, the petitioner also received
serious injuries and thereafter, he was carried to hospital and in
emergency ward, on his *fardbeyan*, an F.I.R. was lodged against



informant side of the present case, vide Jadopur P.S. Case No. 19 of 2015 for offence under Section 307 & other allied sections of the Indian Penal Code. He has referred to **Annexure – 2** to the petition i.e. F.I.R. in Jadopur P.S. Case No. 19 of 2015. He further submits that as per the F.I.R., there was allegation that accused persons of the present case had mainly assaulted the informant side by means of *lathi* and *danda*, however; it was alleged that the petitioner assaulted by an axe. Whereas, in the post-mortem examination report, no incised injury was found on the head of the deceased. He further submits that in the said occurrence the petitioner had received incised injury.

In view of the facts and circumstances, particularly; the fact that there was case and counter case and also the fact that the petitioner had received injuries and his *fardbeyan* was recorded in emergency ward on the same day, the Court is of the opinion that it is a fit case for extending the privilege of bail.

Let the petitioner namely Harkesh Bhagat be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Abhishek Kumar, learned Judicial Magistrate 1st Class, Gopalganj in connection with Jadopur P.S. Case No. 18 of 2015, on condition that one of the bailor must be blood relation of the petitioner and

secondly, on each and every date, the petitioner shall remain physically present during trial before the court below. If continuously on two dates the petitioner remains absent before the court below, without prior permission, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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