

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46178 of 2014

Arising Out of PS.Case No. -118 Year- 2014 Thana -PUPRI District- SITAMARHI

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Nathuni Purbey Son of Shasi Purbey Resident of village - Yadupatti Simri,
P.S. Pupri, Distt. - Sitamarhi

.... Petitioner/s

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 15-04-2015

Heard learned counsel for the petitioner, learned

Additional Public Prosecutor assisted by learned counsel for the
informant.

Though, for an offence punishable under Section
307 IPC nature of injury happens to be immaterial but the
conduct of the accused has to be seen whether he was carrying
an intention or knowledge during course of commission of
crime to kill. From the order impugned it is apparent that only
one injury over the head of informant has been found
measuring 1" x ¼" as well as swelling of left hand all caused by
hard and blunt substance rules out assault by means of *farsa* ,
sharp cut weapon and in likewise manner injured Samundari
Devi has sustained 1½" x ¼", single injury without having
repetition of blow and on account thereof petitioner is directed
to surrender before the learned lower court with a prayer for
bail which the learned lower court will favourably consider in
light of discussion made above.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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