

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4030 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -WAJIRGANJ District- GAYA

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Shambhu Chaudhary Son of Birju Choudhary, resident of Village- Maula Nagar, Police Station- Wazirganj and District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 12-04-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Wazirganj P.S. Case No. 288 of 2015 registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 504/34 of the Indian Penal Code.

In the First Information Report which is lodged by the informant Pradeep Kumar, son of injured Rajo Choudhary, there is allegation against the petitioner that he assaulted Rajo Choudhary with *Pasuli* with an intention to kill him on his neck and further injury was caused on other parts and half of the neck was cut resulting the father of the informant became senseless.

Submission is of false implication due to trivial



dispute, the informant is not an eye witness, the injured has been examined during investigation and his statement has been recorded in para 25 of the case diary wherein he has made allegation against Dilip Manjhi, Birju Choudhary and Raju Choudhary that they have also assaulted him with *Pasuli* besides the petitioner, other co-accused namely, Raju Choudhary and Dilip Manjhi have already been allowed bail and, as such, the petitioner who is suffering in custody since 11.09.2015, deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that multiple incised wound has been found and maximum size of incised wound on left side of neck with severe bleeding size 5'' x ½'' x ½'' and the opinion has been kept reserved.

In the facts and circumstances stated above, considering the statement of the injured wherein he has made allegation against other co-accused also for causing injury with *Pasuli* and also chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri. Jigar Shah, learned Judicial Magistrate, 1st Class, Gaya in connection

with Wazirganj P.S. Case No. 288 of 2015 subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J)

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