

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5279 of 2016

Arising Out of PS.Case No. -331 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Prabhu Yadav Son of Chhathu Yadav resident of village Harsidhi Ahir
Toli P.S. Harsidhi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Smt. Gulnar Begam(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 331 of 2015 registered for the offences punishable
under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian
Penal Code.

In the First Information Report the informant Neelam
Devi has alleged that the petitioner in the occurrence assaulted her
with *Garasi* on her head, resulting cut injury and Deenanath
Yadav assaulted with iron rod but in further statement the
informant has not stated the name of the petitioner rather she has
stated that Santosh Yadav assaulted her with iron rod on her head,

resulting rupture on his head, similarly, other witnesses namely, Saryug Giri and Mahendra Sah have also stated that Santosh Sah assaulted Neelam Devi with iron rod.

Submission is of false implication due to land dispute, there is case and counter case, the case lodged by the petitioner is earlier which is numbered as Harsidhi P.S. Case No. 331 of 2015, without any fault the petitioner is suffering in custody since 06.10.2015 and has been sufficiently penalized, no offence under Section 307 IPC is made out and the allegation under Section 379 IPC is general and vague, other co-accused have been allowed bail by the learned court below itself.

The learned A.P.P. submits that the informant has received incised wound behind right ear caused by sharp object which was termed as grievous in nature.

In the facts and circumstances stated above, considering that in further statement the informant has not alleged against the petitioner that he assaulted her with *Garasi* and two witnesses have also not alleged against the petitioner and, as such, considering the detention of the petitioner, now, he 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 the learned C.J.M., East Champaran at Motihari in

connection with Harsidhi P.S. Case No. 331 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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