

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16249 of 2016

Arising Out of PS,Case No. -472 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Ravi Kumar son of Nand Kishore Sah, resident of Village- Mangalpur, P.S.-
Bagaha (Patkhauri) District- West Champaran).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar 1 , APP

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

ORAL ORDER

4 22-06-2016

Heard the learned counsel for the petitioner and
the learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Bagaha (Patkhauri) P.S. Case No. 472 of 2015 registered for
the offences punishable under Sections 341, 323, 307, 379 and
406 /34 of the Indian Penal Code.

The allegation against the petitioner is that he
assaulted the informant, Niraj Kumar, with knife causing cut
injury in his abdomen and others assaulted with iron rod.

Submission is of false implication and that the
occurrence is of 04.11.2015 but F.I.R. has been lodged on
22.11.2015, there is a case and counter case, this case has been



lodged as a counter blast, both sides have received injury, the injury received by Prem Kumar has been found dangerous to life vide Annexure-3, there is no allegation that the petitioner has repeated the blow and, as such, the offence under Section 307 of the Indian Penal Code is not made out and the allegation under Section 379 of the Indian Penal Code is super-addition. The story of money lending is false that there is no documentary evidence against the petitioner in that regard and without any fault, the petitioner is suffering in custody since 09.03.2016, having no criminal antecedent.

Learned A.P.P. submits that the Doctor has found incised wound 2''x1'' in Cavity deep left lumber caused by sharp cutting weapon.

In the facts and circumstances stated above, considering that there is a case and counter case, there is no allegation for repeating the blow 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 the learned Additional Chief Judicial Magistrate, Bagaha (West Champaran) in connection with Bagaha (Patkhauli) P.S. Case No. 472 of 2015, subject to the conditions that one of the

bailors must be a 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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