

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22207 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

Sanjivan Singh, S/o Late Raj Kumar Singh, resident of Village : Chakeyaj,
Police Station: Desari (Sahdei O.P.), District : Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 23-05-2016 Supplementary affidavit has been filed on behalf of
the petitioner.

Let it be kept on record.

Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with Desari
(Sahdei, O.P.) P.S. Case No. 294 of 2015 registered for the
offences punishable under Sections 147, 149, 447, 448, 341, 323,
324, 307, 379 and 504 of the Indian Penal Code.

Allegedly, the petitioner assaulted the informant
with sword on her head causing cut injury and bleeding and
further other co-accused assaulted her with lathi and co-accused
Kundan Kumar Singh snatched gold chain. The occurrence is

alleged to have caused as the husband and *devar* of the informant had gone to lodge a case at the police station for earlier occurrence.

Submission is of false implication and that there is case and counter case, the occurrence took place due to land dispute, the husband of the informant and brother-in-law want to grab the land of the petitioner forcefully, no case under Section 307 of the Indian Penal Code is made out against the petitioner. The petitioner has not repeated the sword blow, there is no intervening circumstances, the petitioner is aged about 60 years and without any fault, is suffering in custody since 01.02.2016. On the person of the informant, only one injury was found and as such, the petitioner deserves sympathetic consideration to which the learned APP opposes the prayer of bail by submitting that the injury caused is grievous in nature.

Considering that the occurrence, admittedly, has taken place due to land dispute, there is a case and counter case 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 Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Desari (Sahdei) P.S. Case No. 294

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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