

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22328 of 2016**

Arising Out of PS.Case No. -63 Year- 2015 Thana -IMAMGANJ District- GAYA

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1. Suman Yadav son of Mahavir Yadav resident of Village Bijainee, P.S. Imamganj, Dist- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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

2 25-05-2016

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

The petitioner seeks bail in a case for the offences punishable under sections 341, 323, 324, 307 and 504/34 of the I.P.C

Allegedly, the she-buffalo of co-accused Mahavir Yadav started eating the fodder kept by the informant and when the informant objected Mahavir Yadav called his son and the petitioner came and assaulted the informant with axe on his head and other co-accused assaulted brother and wife of the informant with lathi and tangi causing injury to them also.

Submission is of false implication and that there is case and counter case, the occurrence was taken place due to the trivial dispute, there was no intention to commit murder, the

offence under section 307 of the I.P.C. is not made out, the petitioner has not repeated the blow and he is suffering in custody since 28.02.2016.

The learned A.P.P. submits that sharp cut wound with blood discharge was found on the left side of the parietal region and further lacerated wound on the left side of the frontal region were found besides tenderness on back of the right scapular region and injury no.1 was grievous in nature.

In the facts and circumstances as stated above, the petitioner shall be released on bail, **after completion of six months in custody**, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Abhay Srivastava, J.M. 1<sup>st</sup> Class, Sherghati, Gaya in Imamganj P.S. Case No. 63 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)**

Abhay/-

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