

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52726 of 2015

Arising Out of PS.Case No. -148 Year- 2015 Thana -PARIHAR District- SITAMARHI

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1. Md. Shavir S/o Abdul Gaffar resident of Village - Parwaha, P.S. Parihar,
District Sitamarhi..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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

ORAL ORDER

2 11-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Parihar P.S. Case
No. 148 of 2015 registered for the offences punishable under
Sections 341, 323, 307, 448 and 34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused persons
entered into the house of the informant and with intention to kill
him assaulted him causing cut injury on his lip.

Submission is of false implication and that there is case
and counter case, in the FIR there is no specific allegation but
during investigation the prosecution developed the case and made
specific allegation against the petitioner for causing knife blow on
the lip on the informant, the doctor has found 'V' shape incised
wound involving centre part of lower lip measuring only ½" x ¾"
and as such the petitioner who is suffering in custody since

03.10.2015 deserves sympathetic consideration as there is no allegation that the petitioner has repeated the knife blow.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner gave knife blow with intention to kill the informant but luckily it hit on lower lip.

In the facts and circumstances stated above, considering that in the fardbeyan there is no specific allegation and further considering the medical report which is mentioned in impugned order, 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, Sitamarhi in connection with Parihar P.S. Case No. 148 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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