



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22580 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -KARPI District- JEHANABAD

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1. Kunal Sharma son of Sri Indal Sharma@Indal singh Resident of Village-
Aiyara, P.s - Karpi, District Arwal.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate.

For the Opposite Party/s : Mr. Matloob Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 08-01-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 324, 364, 307 and 504 of
the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner and other co-accused armed
with pistol, iron-rod and khanti came to the house of the informant
and started abusing him and on the plea that the informant had
taken more land on the order of co-accused Indal Sharma the
petitioner armed with pistol assaulted the informant with butt on
his head and after alarm being raised the two sons, namely, Raju

and Rajan came then they were caught at the point of pistol and further they took away the two sons.

Submission is of false implication due to land dispute, no offence under section 307 I.P.C. is made out, admittedly the petitioner did not use the fire arm after opening fire rather he assaulted with the butt and there is no allegation that he repeated the blow, the injury found on the person of the informant is simple in nature and the two sons of the informant have gone away on their own will and they have returned which is evident from paragraph-37 of the case diary and as such the petitioner who is suffering in custody since 28.02.2015 deserves sympathetic consideration, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that the petitioner has assaulted the informant with butt on his head.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri B.M. Tripathi, J.M. 1st Class, Jehanabad in Karpi P.S. Case No. 22 of 2014/ G.R. No. 330 of 2014, 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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