

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14455 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -KARAI PARSURAI District- NALANDA
(BIHARSHARIFF)

1. Shyam Babu Singh, Son of Rameshwar Singh, resident of Makhdumpur,
Police Station- Karai Parsurai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. S.Dayal (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 27-04-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The Petitioner apprehends his arrest in connection
with Karai P.S.Case No. 02 of 2016 for offences alleged under
Sections 341, 323, 504, 324, 307 and 379/34 of the Indian Penal
Code.

The prosecution case, as lodged in the F.I.R., is that
the informant had taken Rs. 10,000/- from the petitioner on
interest at rate of 2 % but on 30.12.2015 when the informant went
to the petitioner, having Rs. 40,000/- in his pocket to return the
money, the petitioner demanded at the rate of 5% upon which
altercation started and the petitioner caught hold the informant and

started assaulting the informant by lathi, causing injury in his leg and on the order of the petitioner, his son Bigan Kumar brought a Garasa and the petitioner gave Garasa blow on the head of the informant, causing severe injury who fell down and treatment of the informant was going on in Novel Hospital, Patna.

It has been submitted by the learned counsel for the petitioner that the injury caused by the petitioner has found to be simple in nature, he has no criminal antecedent, as is evident from para-3 of the application and there is a counter case bearing Karai Parsurai P.S.Case No. 138/2015 lodged by the petitioner under Sections 379/511 of the I.P.C. on the same day against the informant.

It has further been submitted that the F.I.R. has also been registered after inordinate delay, date of occurrence being 31.12.2015 and the F.I.R. has been registered on 09.01.2016 which also creates suspicion. He further submits that no case under Section 307 of the I.P.C. is made out against him.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a

period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Karai P.S.Case No. 02 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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