

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 35004 of 2016

Arising out of P.S. Case No. - 24 Year - 2016 Thana - BARACHATTI District - GAYA

=====

Gautam Yadav, S/o Late Bindu Yadav, Resident of Village - Purna
Dharhara (Bighapar), P.S. - Mohanpur, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 17-10-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
20.02.2016 in connection with Barachatti (Mohanpur) P.S. Case
No. 24 of 2016 for the offences instituted under Sections 307, 341,
323, 504 and 506/34 of the Indian Penal Code. Later on Section
302 of the Indian Penal Code is added.

The prosecution story, in brief, is that the petitioner
assaulted the father of the informant with Khanti and co-accused
Kundan Kumar assaulted him with Chapra and other co-accused
also assaulted him with lathi, as a result of which the father of the
informant sustained injury and fell down.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 20.02.2016 and the charge sheet
has been submitted in the present case. The petitioner has got no

criminal antecedent. There is no allegation of tampering of the witnesses alleged against the petitioner. The date of occurrence is 23.01.2016 and the case was instituted on 27.01.2016. Delay has not been explained on behalf of the prosecution properly. Post-mortem report indicates only one external injury on the head. The co-accused, namely, Kundan Kumar is said to have injury on the head as per the F.I.R.

On behalf of the State and the counsel for the informant, it is submitted that the petitioner is named in the F.I.R. and in course of investigation it has been alleged that the petitioner also assaulted the deceased.

Considering the aforesaid facts and circumstances that the deceased had only one external injury on the head which was alleged against the co-accused, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (The Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 24 of 2016.

(Sudhir Singh, J)

Kundan

U		T	
---	--	---	--