

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31532 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -PAWNA District- BHOJPUR

Vinay Kumar, Son of Ramadhar Bhagat, Resident of Village Pawna, P.S-
Pawana, District- Bhojpur (Ara).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-09-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Pawana P.S
Case No. 15 of 2016 registered for the offences punishable under
Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

Allegedly, when the informant was constructing house
after digging foundation and giving pillar then the petitioner came and
forbade him. Thereafter, the petitioner gave spade blow twice on the
head of the informant causing cut injury, when his mother Laxminia
Devi, came to save Ramadhar Bhagat, gave spade blow on his head
causing injury to her also.

Submission is of false implication and that due to land
dispute the occurrence has taken place, there is no intention to kill him
and section 307 of the Indian Penal Code is not made out, there was no

intervening circumstance, two injuries has been found on the person of the informant, one the grievous and another is simple, to which the learned A.P.P. opposes by submitting that on vital part the injury has been caused and the petitioner has repeated the blow.

In the facts and circumstances stated above, considering that the occurrence has taken place due to land dispute and, as such, the petitioner shall be released on bail after completing six months in custody from the date of his remand in this case, on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri P.K. Pandey, learned Judicial Magistrate, 1st Class, Ara, in connection with Pawana P.S. Case No. 15 of 2016, subject to the conditions that one of the bailors must be 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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