

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46216 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -PATORI District- SAMASTIPUR

1. Shivnath Rai Son of Nand Kishore Rai resident of village - Gadhi Mohanpur, P.S. Patori (Mohanpur OP) District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the state.

The petitioner is languishing in jail since 19.04.2016 in connection with Patory P. S. Case No. 50/2015 registered for offences punishable under Sections 341, 342, 323, 354, 307, 504, and 506/34 of the Indian Penal Code.

The prosecution case as lodged by the wife of the petitioner is that she was ousted from her matrimonial house by her husband for which she had filed C.R. Case No.1837/2014 and Maintenance case No. 176 of 2014. On the alleged date of occurrence, the petitioner along with other person and second wife of her husband Puja Kumari had brutally assaulted her and her husband had pressed her neck in order to kill her.

Learned counsel for the petitioner submits that the allegation made upon him is false and he is innocent .He submits that in the injury report there was mere abrasion and bruise caused by hard blunt substance and simple in nature. He however submits that charge sheet has already been submitted hence there is no chance of tampering with the prosecution evidence.

Learned A.P.P. for the State however submits that the petitioner, who is the husband of the victim had caused injury to his wife, hence, opposes the prayer for bail.

Be that as it may since charge sheet has already been submitted and considering the period of custody as well as the injury report, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each the to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patory P.S.Case No. 50 of 2015.

(Nilu Agrawal, J)

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