

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32997 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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1. Kamod Sah S/o Shivilal Sah Resident of Village- Punaura tola Jankinagar,
P.S. Sitamarhi District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sitamarhi P.S.Case No. 92/2016 registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 448 and 34 of the Indian Penal Code.

The prosecution case as lodged on the basis of written report of one Bhola Mahto of village- Punaura before the police officer, Punaura P.S. is that on the date of occurrence all the accused persons, as named in the written report, including the petitioner armed with deadly weapons assaulted the informant and his family members. It is further alleged that Kamod Sah (petitioner) assaulted the father of the informant with iron rod on his head, causing bleeding injury. The informant was assaulted by iron rod by co-accused Raju Sah on the head causing bleeding

injury. It is also alleged that accused Atal Sah and Raghunath Sah took away money, jewelry from box of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that they are co-villagers and due to land dispute the alleged occurrence has taken place. He also submits that the injuries caused on the person of the informant's father, has been found to be simple in nature as such, Section 307 of the I.P.C. is not attracted. He also submits that the matter has been compromised between the parties and that the petitioner has no criminal history as is evident from para-3 of the application.

However, learned A.P.P. for State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 92/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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