

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14056 of 2016

Arising Out of PS.Case No. -118 Year- 2013 Thana -AMNAUR District- SARAN

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1. Amlesh Rai @ Amlesh Pd. Yadav @ Amresh Rai son of Late Asharfi Rai, resident of village- Baldiha, P.S.- Amnour, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Amrendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 29-06-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 341, 323, 324, 307, 504 and 379 of the I.P.C

Allegedly, the informant repaired the cycle of the petitioner and when he demanded Rs. 35/- for spare-parts then the petitioner started abusing, snatched Rs. 160/- from the cash box of the informant and on protest assaulted with knife on his neck and when father of the informant came for rescue he was also assaulted by knife in his abdomen.

Submission is of false implication and that there is no allegation that the petitioner repeated the blow, from the injury



report which is annexed as Annexure-3 it reveals that the informant and his father have not received serious injury, it is a simple case of assault wherein the petitioner has also received injury, vide Annexure-4, in the case diary there is no injury report and the petitioner is suffering in custody since 15.01.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, further both the parties have compromised the case also.

The learned A.P.P. submits that in the case diary which has been received there is no injury report though in this regard the Superintendent of Police, Saran has informed the Officer Incharge concerned to send the injury report after obtaining copy of the same but the same has not been received.

In the facts and circumstances as stated above, considering that the investigation has already been completed and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saran, Chapra in Amnour P.S. Case No. 118 of 2013, subject to the conditions that one of the bailors must be a 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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