

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14330 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -SHERGHATI District- GAYA

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1. Gautam Sharma Son of late Shaligram Sharma Resident of Village-Khaira PS Dobhi, District Gaya..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 13-05-2016

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

The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No. 294 of 2015 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 506 of the Indian Penal Code.

Allegedly, the petitioner with intention to outrage the modesty of the daughter of the informant started pushing the door of the house of the informant and asked the informant to open the door to which she refused and then the petitioner tried to enter into the house through wall. Thereafter, the informant opened the door, then the petitioner assaulted her with iron rod on her head, left arm and left leg causing fracture and further he snatched the gold Jitiya and fled away.

Submission is of false implication and that there is land

dispute between the parties, the petitioner is suffering in custody since 23.12.2015 having no criminal antecedent, during investigation the daughter of the informant has not stated that the petitioner was having bad intention, no offence under Section 307 IPC is made out and the allegation under Section 379 IPC is super addition.

Learned APP submits that two injuries found on the person of the informant were grievous in nature caused by hard and blunt substance.

In the facts and circumstances stated above, considering the detention of the petitioner and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 294 of 2015, 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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