

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29317 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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1. Ram Deni Ram S/o Late Sakhichandra Ram resident of village- Sirsa Biran, P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha
Mr. Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr. Sri Narsingh Tanti

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 11-11-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 341/323/324/307/379/504/34 of the Indian Penal Code.

Diary in this case was called for earlier, which has, since been received.

Learned counsel for the petitioner submits that the petitioner and informant are own brothers and there is case and counter case between the parties. The petitioner was also injured in the incident and so was the informant. The injury report annexed by way of supplementary affidavit to the present petition clearly indicates that there was only lacerated wound on the stomach and on the shoulder of the informant and not otherwise.

Learend counsel for the State after perusal of the case dairy,

however, submits that the injury report which stands appended to the case diary indicates that there were four injuries and not two injuries. The report, however, is dated 02.04.2016, though the date of occurrence is 02.04.2016. The report is from a private hospital, though the informant was initially treated at the Referral Hospital, Lalganj in the district of Vaishali.

Considering the contrary reports placed, it can well be said that there is cloud on the prosecution story. Moreover, proximity of the relationship also is a factor which needs consideration.

In view of the aforementioned facts and circumstances, the nature of dispute, the case and counter case between the parties and also the petitioner has no criminal antecedent, let the petitioner abovenamed, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 94/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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