

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25072 of 2016

Arising Out of PS.Case No. -446 Year- 2015 Thana -BIRaul District- DARBHANGA

1. Kanhaiya Jha, son of Sri Binod Jha.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha

For the Opposite Party/s : Mr. Bharat Lal (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 24-06-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 307 and other minor sections of
the Indian Penal Code.

Petitioner is said to have assaulted the injured, Raj
Jha by means of farsa. The aforesaid injured, Raj Jha sustained
two injuries, said to be caused by sharp cutting weapon and
grievous in nature.

Submission on behalf of the petitioner is that there
was land dispute between the parties and as a matter of fact, after
institution of the present case, the parties have compromised this
case.

The offence of Section 307 of the Indian Penal Code

is not a compoundable offence and, therefore, considering the nature of allegation as well as injury sustained by the injured, Raj Jha, I am not inclined to release the petitioner on bail, at least, at this stage and hence, his prayer for bail in connection with Biraul P.S. Case No. 446 of 2015 pending in the court of Additional Chief Judicial Magistrate, Darbhanga stands rejected.

However, the concerned court should commit the case of the petitioner to the court of Sessions within four weeks in accordance with law and after commitment, the concerned Sessions court shall proceed with the trial and try to conclude the same as early as possible.

(Hemant Kumar Srivastava, J)

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