

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38279 of 2016

Arising Out of PS.Case No. -332 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

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1. Jalandhar Thakur D/o late Raghunath Resident of Village Bariyarpur
(Mathiya) PS Motipur, district Muzaffarpur. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-09-2016

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

The petitioner seeks bail in connection with Motipur P.S.
Case No. 332 of 2015 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian
Penal Code.

Allegation against the petitioner is that in the assault he
assaulted the informant with bat portion of the spade on the head
but there was cut injury due to ridge of spade and others assaulted
also.

Submission is of false implication and that there was free
fight between the parties, both sides have received injuries, the
injury received on the person of the informant is only one injury
which is upper part of the head which is superficial in nature
whereas the injury received by the wife of the petitioner has been

found grievous in nature and, as such, the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that there was free fight between the parties and as alleged the petitioner assaulted with bat portion of the spade, 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 S.D.J.M., West Muzaffarpur in connection with Motipur P.S. Case No. 332 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.

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(Jitendra Mohan Sharma, J)

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