

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10948 of 2017

Arising Out of PS.Case No. -226 Year- 2016 Thana -PIRPAINTI District- BHAGALPUR

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1. Dipan Mahaldar, son of Raghu Mahaldar,
2. Dhani Paswan @ Dhanni Paswan, son of Kamal Paswan, Both residents
of Village- Kamalpur, P.S.- Pirpainti, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 08-04-2017 Heard the learned counsel for the petitioners, the

learned Additional Public Prosecutor and the learned counsel for

the informant.

The petitioners seek bail in Pirpainti P.S. case No.
226 of 2016 under Section 307 and other Sections of the Indian
Penal Code.

The informant alleged that, while he was keeping
watch on his pond, both the petitioners, Dipan Mahaldar and
Dhani Paswan @ Dhanni Paswan, at 9 PM in the night, came there
and assaulted him with Lathi. The informant alleged that in the
morning he came to his house and thereafter his family members
took him to hospital.

The learned counsel for the petitioners submits that,
of course, both the petitioners are alleged to have assaulted the
informant with Lathi and on the person of informant five injuries



were found but only two injuries one on left arm and another on head were opined to be grievous in nature. There is no specific allegation against any of the accused persons that who caused the injury on head. The petitioners are in jail since 26.12.2016.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail.

It appears that informant, of course, alleged that both the petitioners assaulted him with Lathi, swelling on different parts of his body were found and injuries on left arm and on head were opined to be grievous in nature on account of fracture of bone but for that the petitioners have already remained in jail for more than three months.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. K. Pandey, learned Additional Chief Judicial Magistrate, Bhagalpur in Pirpanti P.S. Case No. 226 of 2016.

(Prabhat Kumar Jha, J)

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