

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33581 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Shyam Chauhan S/o Ram Bilas Chauhan Resident of Village-Aure Tola
Beldariya, P.s.-Ramgarh Chowk District-Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and learned
APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with
Lakhisarai (Ramgarh Chowk) P.S. Case No. 46 of 2017
registered for the offences punishable under Sections 341, 323,
325, 307, 504 and 34 of the Indian Penal Code.

The informant in his written report submitted before
S.H.O. of Ramgarh Chouk, Police Station has alleged that on
02.02.2017, when he reached near Community Hall, altogether
four persons including this petitioner named in the F.I.R.
intercepted him and started abusing. This petitioner assaulted
him on his head by Khanti. The other co-accused assaulted him
on his forehead by rod and the other co-accused also assaulted



him. He has further stated that on the arrival of the local people, he could be saved.

It has been submitted that the occurrence of assault allegedly took place on 02.02.2017 at 7 P.M., but the injury report, which has been annexed as Annexure-2, shows that the informant was treated on 03.02.2017 at 8 P.M. The Doctor has reported that the injuries were caused within four hours and so, if the injury is taken into consideration, the date of occurrence could be on 03.02.2017. The Doctor has not specifically stated as to which injury was grievous in nature and so, the petitioner, who is in custody since 02.04.2017 deserves to be enlarged on bail.

The learned APP for the State opposed the submissions.

On perusal of written report, I find that the allegation against this petitioner is that he assaulted the informant on his head. There is no repetition of blow on his person. From injury report Annexure-2, it appears that he was treated on 03.02.2017 at 8 P.M. The Doctor has found five injuries but which one was grievous, is not mentioned in the injury report. The Doctor has further reported the time of injury within four hours.

Considering the facts and circumstances of the case,



the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 46 of 2017.

(Sanjay Kumar, J)

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