

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47143 of 2017

Arising Out of PS.Case No. -89 Year- 2017 Thana -VIDYAPATINAGAR District- SAMASTIPUR

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1. Kartik Jha Son of Shankar Jha, Resident of Village- Mow Dhaneshpur North, Vidyapatinagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Vidyapatinagar
P.S. Case No. 89 of 2017 for offences punishable under Section
307 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that there was land dispute between him and his brothers and
while he was sitting in the sweet shop along with his two sons,
namely, Ram Yatan Kumar and Raman Kumar, petitioner along
with nine others variously armed with weapons assaulted the
informant's side. Allegation upon the petitioner is of giving sword
blow on the head of the son of the informant Ram Yatan Kumar.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that although the injury is on the mid-parietal region, but it is a lacerated wound and medical opinion has found it to be simple in nature caused by hard blunt substance.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and on perusal of the injury report, let petitioner, above named, 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 learned Addl. Chief Judicial Magistrate-III, Dalsingsarai, Samastipur, in connection with Vidyapatnagar P.S. Case No. 89 of 2017, subject to following conditions :

- (i) Both the bailors of the petitioner would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) Petitioner will not induce or tamper with the prosecution evidence.

(iv) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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