

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55144 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -BIHRA District- SAHARSA

=====

Shayam Sunder Sah S/o Shital Sah resident of Village - Gaudaul, P.S. -
Bihara, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 28-02-2017 Heard both sides.

The petitioner seeks bail in Bihra P.S. Case No. 78/2016,
registered for the offences punishable under Section 307 and other
sections of the Indian Penal Code.

The petitioner is alleged to have assaulted the husband
of the informant with axe on his head.

Learned counsel for the petitioner submits that husband
of the informant made statement in para 51 of the case diary that
he gave three lathi blows to the petitioner and only thereafter, the
petitioner assaulted him with axe on his head. There is land
dispute between the parties. The occurrence took place on
22.05.2016, but the F.I.R. was lodged on 06.06.2016 after fifteen
days of the occurrence. The husband of the informant further



stated that the petitioner also gave him money for treatment. The petitioner is in jail for about seven and half months. Of course, one injury was found on the head of the husband of the informant which is grievous in nature, but at the same time it is stated by the injured (husband of the informant) himself that on provocation and the assault made by him, the petitioner also assaulted him.

Considering the facts aforesaid, the petitioner above-named, is 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 Munsif-cum-Judicial Magistrate-IV, Saharsa in connection with Bihra P.S. Case No. 78/2016.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--

