

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19339 of 2017

Arising Out of PS.Case No. -215 Year- 2014 Thana -SAHKUND District- BHAGALPUR

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Sintu Mandal Son of Anil Mandal resident of Village Bhikhanpur, P.S.
Sahkund, District Bhagalpur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 19-05-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Sahkund P.S.
Case No. 215 of 2014 registered for the offences punishable under
Sections 341, 323, 324, 326, 498A, 307, 504 of the Indian Penal
Code.

Allegedly, the petitioner being the husband of the
informant, Bhibha Devi, at 3:00 a.m. gave Kachiya blow on the
neck of the informant which was saved resulting, both palm and
back portion of neck were cut and bleeding started but seeing the
mother-in-law and Jethani the petitioner fled away.

Submission is of false implication and that the petitioner
is suffering in custody since 24.12.2014, there is no allegation that
the petitioner repeated the blow and as such offence under Section
307 IPC is not made out, at best it can be a case under Sections



323 and 324 IPC which are bailable in nature, two prosecution witnesses have been examined and they have not supported the prosecution case. The informant is not turning up for her examination since long, charges have been framed on 11.09.2015 and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention, 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 6th Additional Sessions Judge, Bhagalpur in S. Tr. No. 459 of 2015 arising out of Sahkund P.S. Case No. 215 of 2014, 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.

(Jitendra Mohan Sharma, J)

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