

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34693 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -BACHWARA District- BEGUSARAI

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1. Ganesh Rajak Son of Late Ramji Rajak Resident of Village - Chamtha,
Bara Khut, Ward No. 3, Police Station - Bachwara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Smt. Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 20.04.2017 in
connection with Bachawara P.S. Case No. 54/2017 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 while he had gone to his land for filling soil, the petitioner
along with his two sons, who lived adjacent to the said land, came
armed with farsa, iron pipe and other weapons and assaulted the
informant on his head. The allegation upon the petitioner is that he
gave farsa blow on the head.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there was a land dispute for which proceedings under Section 144 Cr.P.C. was going on between the parties and a counter-case has been lodged for the same incident on the same day bearing Bachawara P.S. Case No. 55/17 wherein both sides received injuries. He submits that the injury upon the informant caused by the petitioner has been found to be simple in nature and the injury, which has been found on the hand, is opined to be grievous, which is not on the vital part of the body, hence, Section 307 of the IPC is not applicable. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Begusarai, in connection with Bachawara P.S. Case No. 54/2017, subject to the condition that



one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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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