

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59372 of 2017

Arising Out of PS.Case No. -201 Year- 2017 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Shiv Sah, Son of Punit Sah, resident of Village- Harpurnag, Police
Station Mehsi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv

For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner as well as
learned APP.

Informant Asha Kumari had alleged that in the night
of 05.12.2017, while she was sleeping, the accused persons so
named therein including the petitioner came at her Darwaza and
began to abuse, whereupon, she and her mother came out and
forbade them not to abuse, whereupon all of them began to assault
her mother, Bhabhi and she herself and during course thereof, it
has been disclosed that petitioner had inflicted axe blow over her
head. They had also looted away her belongings, caused mischief
by damaging the properties. It has also been disclosed in the
written report that she along with her mother is being treated at
Referral Hospital, Chakiya while the written report was filed
before the Officer-in-Charge, Mahesi.



Learned counsel for the petitioner has submitted that the aforesaid activity has purposely been adopted in order to meet out the allegation at their end by way of institution of Mahesi PS Case No. 200/2017. Furthermore, it has also been submitted that considering the nature of the injury to be simple, the learned lower court had not mentioned the same although same was available under para-24 of the case diary, before the learned lower court and is found supported with the charge-sheet having been filed by the Investigating Officer.

Learned APP opposed the prayer.

Considering the nature of the allegation inconsonance with the judicial custody since 08.09.2017, petitioner, Shiv Sah is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of ACJM-II, East Champaran, Motihari in Mahesi PS Case No. 201/2017.

(Aditya Kumar Trivedi, J)

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