

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43306 of 2017

Arising Out of PS. Case No.-75 Year-2017 Thana- SIKANDARA District- Jamui

Chandan Kumar, son of Sri Upendra Mahto, Resident of Village- Khardih,
P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. SRI RAJENDRA PRASAD NAT

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sikandra P.S.Case N0. 75 of 2017, disclosing offences under Sections 324,326,504,341/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the allegation against the petitioner is that he assaulted the informant with knife causing injury. He contends that no offence under Section 326 of the Indian Penal Code is made out inasmuch as the injuries have been found to be simple in nature. Even if the allegation made in the First Information Report is treated to be true, since it is alleged that the petitioner hit the informant with Chhuri (knife), no offence can be said to be constituted under Section 326 of the Indian Penal Code.



Considering the above submission, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jamui in Sikandra P.S. Case No. 75 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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