

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19857 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -KATORIA District- BANKA

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1. Suresh Prasad Sah Son of Bishwanath Sah @ Bishwanath Prasad Sah,
Resident of Village- Katoria, P.S.- Katoria, District- Banka.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

7 06-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Section 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian
Penal Code. Later on Section 302/34 of the Indian Penal Code has
been added.

The allegation against the petitioner is that he inflicted
on the head of the informant's father by pointed iron rod while
assault took place between the parties due to putting pipes for
water on the land of the informant by the petitioner's side.

Earlier the bail application of the petitioner was rejected
vide Annexure-1 to the present application.

A report was called for from the trial Court regarding
the stage of the case. It has been reported that the case has been
committed to the court of Sessions.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.03.2016. The case has been committed to the court of Sessions. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. As per the independent witnesses, a free fight is said to have been taken place between the parties. A single iron rod blow is said to have been given by the petitioner. As per the postmortem report, the death has taken place after a period of four days from the date of occurrence. At best, it is a case for an offence under Section 304 of the Indian Penal Code. The petitioner has already remained in custody for more than one and half years.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R and specific accusation has been made against him.

Considering the aforesaid facts and circumstances that there is only a single injury caused by hard and blunt substance, let the petitioner above named, 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 learned A.C.J.M.-I, Banka, in connection with Katoria P.S. Case No. 39 of 2016.

It is further directed that the petitioner shall be present on each and every date before the trial court and he shall co-



operate during the trial. If the court will find that the petitioner is not co-operating during the trial, the trial court will be at liberty to cancel the bail bond of the petitioner.

(Sudhir Singh, J)

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