

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17787 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -KHAIRA District- SARAN

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1. Suresh Rai, S/o Raj Narain Rai r/o village Raghunathpur, P.S. Khaira,
District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Opposite Party/s : Mr. Asharaf Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-05-2017 Supplementary affidavit has been filed on behalf of

the petitioner, let it be kept on record.

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Khaira
P.S Case No. 108 of 2016 registered for the offences punishable
under Sections 147, 341, 323, 324, 307, 354, 504 of the Indian
Penal Code.

Allegedly, the petitioner assaulted the informant
with *farsa* on his head causing injury and bleeding and when the
wife Pramila Devi came for rescue, she was also assaulted by all
resulting, she became naked and Usha Devi assaulted her with iron
rod on her head causing ruptured on head and bleeding.

Submission is of false implication and that both sides
have received injury, there was free fight between the parties,



there was case and counter case, the dispute is of land, the petitioner has got no intention to kill the informant, there was no allegation that the petitioner repeated the blow and, as such, the petitioner who is suffering in custody since 06.02.2017 deserves sympathetic consideration

Learned A.P.P. opposes the prayer of bail by submitting that on vital part the injury has been caused by the petitioner to the informant.

In the facts and circumstances stated above, considering that there is no allegation for repeating the blow and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, in connection with Khaira P.S. Case No. 108 of 2016, 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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