

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54367 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -SIKANDARA District- JAMUI

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1. Nageshwar Yadav @ Naga Yadav Son of Sri Sarjug Yadav, R/o Village-
Lachchuar, P.S.- Sikandra, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-01-2018 Heard the counsels for the parties.

The petitioner seeks bail in connection with Sikandara
P.S. Case No. 54 of 2017 dated 09.05.2017 instituted for the
offences under Sections 323, 326, 307/34 of the Indian Penal Code
read with Sections 25(1-B)A, 26 and 35 of the Arms Act.

The petitioner is named in the F.I.R. He is said to be
armed with a sharp cutting weapon and a country made gun and is
alleged to have assaulted the informant by means of the sharp
cutting weapon (Fasuli), which he was carrying.

Learned counsel for the petitioner has submitted that an
absolutely false case has been lodged against the petitioner, in as
much as one person cannot hold two arms simultaneously and use
one of the arms against the victim/informant. It has further been



submitted that prior to the occurrence, the prosecution party had entered into the house of the petitioner and had tried to outrage the modesty of one Chandmunia Devi, who is the wife of the petitioner. The petitioner was also assaulted, for which he had to undergo treatment in hospital. A photocopy of the injury report of the petitioner has been brought on record as Annexure-3 to the petition. With respect to the aforesaid occurrence, a case was lodged by the wife of the petitioner against the informant and others, but the case was not registered and perforce, the wife of the petitioner had to file a complaint in that regard vide Complaint Case No. 645/C/2017.

Regard being had to the aforesaid facts as well as the period of custody of the petitioner, which is from 15.05.2016, this Court is inclined to grant bail to him.

The petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Jamui in connection with Sikandara P.S. Case No. 54/2017.

(Ashutosh Kumar, J.)

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