

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64673 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- BAKHTIARPUR District- Saharsa

Vivek Kumar @ Vivek Mehta, Son of Mahesh Mehta, resident of Village Hussain Chak, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in Bakhtiarapur P.S. Case No. 239/2017, instituted under Sections 147, 341, 323, 324, 307, 504, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is case and counter case between the parties. Counter case was filed by co-accused Subhash Mehta, s/o Jagdish Mehta against the informant and others vide Bakhtiyarpur P.S. Case No. 286/2017, in which petitioner's side had also sustained injury. Aforesaid Subhash Mehta had sustained grievous injuries.

Injury report of petitioner's side has been annexed as Annexure-4 and injury report of Informant's side has been



annexed as Annexure-3 to the bail petition.

In the instant case, there is allegation against this petitioner that he gave axe blow on the head of informant.

In the injury report doctor has found three injuries on the person of informant which are opined to be grievous in nature. Injury report has been issued from Sr. RMO Mariyam Emergency Hospital, Patna (a private hospital). It is mentioned in the written report that informant was referred to P.M.C.H. from Sadar Hospital, Saharsa. But no injury report of Primary Health Centre, Saharsa or P.M.C.H. is available on record.

Petitioner is in custody since 28.06.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. 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 the learned A.C.J.M. II, Saharsa in connection with Bakhtiarpur P.S. Case No. 239/2017, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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