

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10432 of 2020

Arising Out of PS. Case No.-268 Year-2019 Thana- PATORI District- Samastipur

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PASHUPATINATH JHA @ CHUNCHUN JHA S/o Late Bindeshwar Jha R/o
village- Keshonarayanpur Tole- Khanua, P.S.- Shahpur Patori, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 03-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Patori P.S. Case No. 680 of 2019, disclosing offence under Sections 147,149,341,323,324,307,354,504,506 of the Indian Penal Code.

It is evident on reading of the First Information Report that the occurrence had taken place over dispute between the parties arising out of plucking of mangoes from a Mango tree, between the parties. Altercation had thereafter taken place between the victim and the persons named in the FIR, as per the case of the prosecution which culminated into scuffle and assault. It is alleged against the petitioner that he used a spade to hit the victim in his head leading to grievous injury.



Learned counsel appearing on behalf of the petitioner has submitted that some petty dispute is the apparent reason behind the occurrence, if any, and for the same occurrence, complaint case has been filed by the wife of petitioner's brother. He contends that both sides have received injuries.

Learned counsel appearing on behalf of the informant, on the other hand, has strongly opposed the prayer for bail and has submitted that the injury report corroborates the case of the prosecution as disclosed in the FIR inasmuch as the injury in the head of the informant's son has been found to be grievous in nature caused by sharp cutting weapon.

Be that as it may, considering the genesis of the occurrence as noted above, this application 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 Additional Chief Judicial Magistrate-IV, Samastipur in Patori P.S. Case No. 268 of 2019.

(Chakradhari Sharan Singh, J)

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