

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50831 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- MURLIGANJ District- Madhepura

DEEPAK KUMAR @ DEEPAK KR S/O Sri Rabindra Yadav Resident of
Village - Pakilpar, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha, Advocate
	:	Mr.Pramod Kumar, Advocate
	:	Mr.Rupesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, APP
For the Informant	:	Mr.Uday Chand Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 09-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 324, 379,
504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 28.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The informant alleges that the petitioner assaulted his
brother Chandan on his head by an axe causing injury and
Ravinder assaulted the informant by an iron rod on his head
causing injury and other accused persons also assaulted by *lathi*



and *danda* and Ravinder snatched gold chain worth Rs.60,000/- from the neck of the informant.

Learned counsel for the petitioner submits that no doubt allegation is of assault on the vital part of the body and the injury is also grievous but the F.I.R. does not disclose the reason for the occurrence. It is further submitted that even presuming what has been alleged is true, without admitting for the purposes of bail, then the blow was not repeated and as such there was no intention on the part of the petitioner to assault the brother of the informant in a manner to kill him. Learned counsel further submits that the injury report though records that injury is grievous but from the opinion of the doctor it appears that it was caused by hard and blunt substance when an axe is a sharp weapon.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and submit that there is a direct allegation on the petitioner to have assaulted the brother of the informant on his vital part by axe but are not able to meet the submission of the learned counsel for the petitioner that the injury report records that the injury was caused by hard and blunt substance.

Considering the fact that the petitioner is in custody



since 28.01.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, the blow was not repeated and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Murliganj P.S. Case No. 02 of 2021.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

