

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7808 of 2023**

Arising Out of PS. Case No.-172 Year-2021 Thana- JAMHOR District- Aurangabad

GAUTAM KUMAR SON OF TUNA SINGH @ RAKESH SINGH R/O
VILLAGE- SATUYAHI, P.S.- JAMHORE, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 05-05-2023 1. Heard learned senior counsel for the
petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection
with Jamhore P.S. Case No.172 of 2021 dated 11.11.2021
registered for the offences punishable under Sections 307, 379,
341, 323, 448, 504 and 34 of the Indian Penal Code.

3. The main submissions advanced by the
learned senior counsel for the petitioner are that as per the
allegation made in the FIR, the petitioner inflicted *khanti* blow
at the head of the informant's daughter namely Priti Kumari and
the said weapon is considered to be a sharp weapon but as per
medical expert's opinion the said injured person sustained
lacerated wound on the left frontal scalp, though the same has
been opined to be grievous in nature but nature of weapon as



opined by the medical expert is completely contradictory to the weapon as alleged in the FIR which casts a serious doubt on the allegation levelled against the petitioner in the FIR and the petitioner has been languishing in jail since 21.11.2022 and against him the investigation has been completed.

4. Learned APP appearing for the State has vehemently opposed the bail prayer and submitted that against the petitioner there is a serious allegation and he does not deserve to the privilege of bail.

5. Considering the above submissions and mainly the contradiction in respect of the nature of weapon as pointed out by the learned counsel for the petitioner and also the facts that as per the case diary of Jamhore P.S. Case No.173 of 2021 which is available before this Court, petitioner is also stated to be one of the injured and against the petitioner investigation has been completed and as per the FIR there is no allegation of repeated blows by the alleged weapon by this petitioner upon the victim, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection



with Jamhore P.S. Case No.172 of 2021.

(Shailendra Singh, J)

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