

Patna High Court - Orders

Hari Shankar Prasad & Ors. vs The State Of Bihar on 1 March, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

CR. APP (SJ) No.220 of 2011

HARI SHANKAR PRASAD & ORS.

Versus

THE STATE OF BIHAR

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2. 01.03.2011. This appeal shall be heard. Call for the Lower Court Records.

As regards appellant nos.1 and 3 they are said to have assaulted the son of the informant and the informant as well. Specific allegation has been made against appellant no.3 Amit Kumar that he dealt a garasa blow on the head of the P.W.6 Birendra Kumar who happened to be the son of the informant. The injury report of said Birendra Kumar has been discussed in paragraph-15 at page-7 of the judgment and the injuries has been found caused by sharp cutting weapon but no opinion on the nature of the injury has been discussed by the learned trial Judge. However, during the course of hearing on the prayer for bail of the appellants, the certified copy of the evidence of doctor P.W.8 was produced before the court and it appears that the doctor P.W.8 in paragraph-5 of his evidence stated that two injuries on P.W.6 were found to be simple.

Regard being had to the above facts and circumstances, during the pendency of this appeal, let the three appellants, namely, Hari Shankar Prasad, Harinath Prasad and Amit Kumar be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-cum-Fast Track Court No.5, Muzaffarpur in Sessions Trial No.803 of 2006 arising out of Motipur P.S.Case No.62 of 2004, G.R.Case No.711 of 2004.

As regards the sentence of fine, realization thereof shall remain stayed during the pendency of this appeal.

B.Kr.

( Dharnidhar Jha,J. )