

(2017) 07 JH CK 0042
In the Jharkhand High Court
Case No : 3285 of 2017

M/s Nanak Ispat (P) Ltd.

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 20-07-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#),
[Section 302](#), [Section 34](#), [Section 34](#), [Section 307](#), [Section 307](#)

Citation : (2017) 07 JH CK 0042

Hon'ble Judges : Shree Chandrashekhar

Bench : SINGLE BENCH

Advocate : R. S. Mazumdar, Sanjay Kumar

Final Decision : Allowed

Judgement

1. Heard the learned counsels appearing for the parties and perused the documents on record.
2. The petitioner is an accused in Dumka(M) P.S. Case No. 43 of 2016 corresponding to G.R. Case No. 645 of 2016, registered for offence under Section 302/341/323/307/34 IPC .
3. Allegation against him is that he gave one lathi blow to Lily Phool Marandi, sister of the informant. The post-mortem examination report discloses injury on the vertex of the dimension of 1''' x 3/4'''. Mr. R.S. Mazumdar, the learned Senior counsel for the petitioner submits that on a mere look at the injury caused to the deceased and the weapon the petitioner was allegedly wielding would reveal that the petitioner without any intention or knowledge of the magnitude of the assault, gave a lathi blow to the deceased. It is contended that, at best, the case against the petitioner would fall under Section 304 Part I or Part II of IPC . The petitioner is in judicial custody since 18.01.2017 and a charge-sheet in the case has already been filed.

4. The learned APP has opposed the prayer for grant of bail.

5. Taking note of the medical examination report over the dead body and having regard to the facts and circumstances of the case, the petitioner, above-named, is directed to 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 Chief Judicial Magistrate, Dumka in connection with Dumka(M) P.S. Case No. 43 of 2016 corresponding to G.R. Case No. 645 of 2016, with the condition that he shall appear during the trial, regularly.

6. The instant application is allowed. Let a copy of the order be transmitted to the trial Court through "Fax".