

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5887 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -DAUDPUR District- SARAN

1. Anil Prasad son of Sri Baldeo Prasad resident of village- Nasira, P.S.-
Daudpur, District- Saran at Chapran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh
For the Opposite Party/s Mr. Dr.M.K.Gautam(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 12.02.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Daudpur
P.S. Case no. 166/2014 registered under sections 307, 379 and other
allied sections of the IPC.

The petitioner is said to have given dagger blow to the
informant causing injury on his head. So far as rest accused persons
are concerned, they assaulted the informant with iron rod and **danta**.

Annexure 2 as well as the impugned order of the learned
Sessions Judge reveal that informant sustained simple injury.

The contention on behalf of the petitioner is that informant
and the petitioner are agnates and, as a matter of fact, there was
dispute between the parties on the point of partition. It is further
contended by him that even if prosecution story assumed to be true,
then also, application of section 307 of the IPC appears to be doubtful

and so far as section 379 of the IPC is concerned, the same has been inserted with a view to make the offence graver.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Brajesh Kumar, Judicial Magistrate, Ist Class, Saran at Chapra/concerned court in Daudpur P.S. Case no. 166/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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