

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11702 of 2015

Arising Out of PS.Case No. -5 Year- 2013 Thana -NAYAGAON District- BEGUSARAI

1. Gautam Kumar son of Sunil Mahton resident of village- Nowkothi, P.s. Nowkothi, District- Begusarai, at present resident of village- Minapur, P.s. Naya Gaun, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Dass

For the Opposite Party/s Mr. Reena Sinha (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 26.06.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Naya Gaun P. S. case no. 5/2013 registered under section 307 and other minor sections of the Indian Penal Code.

The allegation of throwing acid is against co-accused Shiv Jyoti Devi and so far as the petitioner is concerned, he was carrying **Pagharia** at the time of alleged occurrence.

Admittedly, there is case and counter case between the parties and alleged occurrence took place due to land dispute.

The learned Sessions Judge has referred injury reports of both injured but no sharp cutting injury has been found on injured persons of this case and, therefore, said fact goes to show that the petitioner had not used the aforesaid weapon as admittedly, **Pagharia**

is a sharp edged weapon.

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 Rameshwar Mishra, Judicial Magistrate, Ist Class, Begusarai/concerned court in Naya Gaun P. S. case no. 5/2013 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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