

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34255 of 2015

Arising Out of PS.Case No. -132 Year- 2014 Thana -AWTARNAGAR District- SARAN

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1. Prakash Kumar @ Prakash Singh S/o Devendra Singh resident of
village- Bharhapur P.s Awtarnagar, District saran Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2015

Heard learned counsels for the petitioner,

informant and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 324, 307, 354, 504 of the Indian Penal Code and Section 25(1-B)a, 35 of the Arms Act.

The prosecution case is that accused persons variously armed came at the door of the informant and started abusing. It is alleged that co-accused Rajesh Sah tore cloth of the mother of the informant and when the informant came to rescue then co-accused Vivek Kumar made assault with knife to the informant aiming on his neck when he tried to ward off then the blow hit on his hand. It is alleged against this petitioner that he gave farsa blow on the head of the brother of the informant.

It is submitted by learned counsel for the

petitioner that injury of brother of the informant reflects three abrasions including lacerated wound on the head of marginal size caused by hard and blunt substance though accusation of assault is by farsa, a sharp cutting weapon. It is further submitted that title suit is pending between the parties from before and there is counter version of the occurrence also.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that accusation of assault is specific and one injury is on the vital part of the body.

Considering the accusation not being corroborated with the nature of injury opined by the doctor, there is counter version and title suit is pending between the parties from before, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Awatarnagar P.S. Case No. 132 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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