

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43576 of 2015

Arising Out of PS.Case No. -211 Year- 2015 Thana -PATORI District- SAMASTIPUR

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Shiv Chandra Rai Son of Ram Nandan Rai R/o Village Shahpur Barant,
P.S. Patori, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

3 22-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner prays for anticipatory bail in a case registered under Sections 447, 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the alleged incident has occurred due to entry of buffaloes of the petitioner in the agricultural field of the informant and a fight between the informant and the petitioner's side took place which led to the injury having been allegedly caused by the petitioner with lathi on the head of the informant. It is further submitted that there can be no application of Section 307 I.P.C. under such circumstances, as there has been no repeat blow on the head of the

informant and merely because the injury has been found to be grievous, it cannot be said that the said section is applicable. Moreover, it is submitted that there has been injury received by the persons of the petitioner's side also and for the same incident, an F.I.R. has been lodged from the side of the petitioner also. It is also submitted that the petitioner does not have any criminal history. It is thus submitted that the incident having cropped up on the spot, it is a fit case for grant of anticipatory bail.

In the facts and circumstances of the case, it is directed that the petitioner, Shiv Chandra Rai, in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Patori P.S. Case No. 211 of 2015 to the satisfaction of the Chief Judicial Magistrate, Samastipur subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

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(Ramesh Kumar Datta, J)