

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51566 of 2015

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1. Binod Kumar @ Tunni son of Late Arjun Singh Resident of village Rukhai, P.S. Chandi District Nalanda (Biharsharif).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner and learned AP.P. for the State.

The petitioner apprehends his arrest in connection with Chandi P.S.Case No. 228/2015 under Sections 341, 323, 307, 379, 504/506 of the Indian Penal Code.

The prosecution case as alleged in the written report is that on 06.8.2015 at about 10 A.M. the petitioner along with 3-4 unknown persons started digging 'nala' on the ancestral land of the informant. On protest by the informant, the accused persons indulged in altercation and abused him. It is alleged that the petitioner attacked on the informant with spade which could not hit him and he also started strangulating him and other accused persons caught his hydrocil and snatched his golden chain also.

Anyhow on hulla the informant escaped.

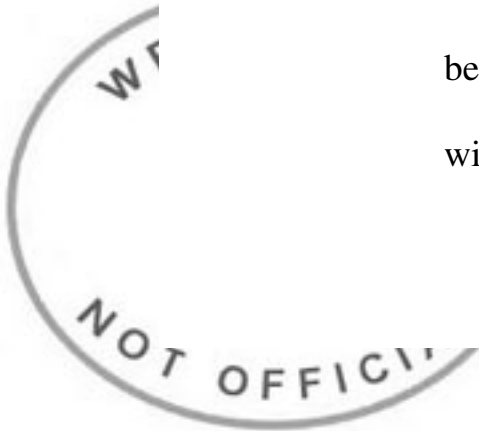
It has been submitted by the learned counsel for the petitioner that a case under Section 307 or 379 of the I.P.C. has not been made out and even the prosecution story as has been made in the F.I.R. does not specify that the informant was injured.

It has been further submitted by the learned counsel for the petitioner that the petitioner and the informant are own Gotia and their houses are adjacent to each other. Therefore, a land dispute on the water drainage between the two houses was the cause of occurrence and due to this dispute arose between them.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Hilsa (Nalanda) in connection with Chandi P. S. Case No. 228/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P. C.

However, it is made clear that the petitioner, who is involved in similar nature of offences, bearing Chandi P.S. Case No. 229/2015 and Chandi P.S. Case No. 212/2015, as is evident

from para-3 of the petition. If the petitioner in future is involved in similar nature of offence, as the present one, the learned Court below will be liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.



(Nilu Agrawal, J)

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