

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37704 of 2014

Arising Out of PS.Case No. -493 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

Md. Tabrez @ Samstabrez son of Md. Matiuddin, Resident of village-
Bakrikol, Police Station-K. Nagar (Maranga), District-Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 02-07-2015

Heard.

The petition seeks an order under Section 438 Cr.P.C. in connection with K.Nagar(Maranga) P.S.Case No.493 of 2013 which was registered under Section 302 Indian Penal Code.

The petitioner is named in the FIR along with others and bears the allegation that he and his companions assaulted the husband of the informant amidst a *Panchayati* convened for resolving a land dispute.

Submission is that the case was initially registered under Section 302 Indian Penal Code but now the police after investigation has found it only under Sections 341,323,304 and 504/34 Indian Penal Code. Submission further was that the offence under Section 304 Indian Penal Code may not be attracted because the witnesses consistently stated that on account of being

assaulted the deceased had received a bleeding injury on his head and thus they have not attributed any other injury on account of any blow specifically or generally. Submission further was that the doctor had found an abscess on the head of the deceased but death in his opinion had occurred on account of peritonitis.

I have considered the submission and I have personally gone through the case diary as well and considering the submissions and the material collected during investigation especially which appears in the postmortem examination report which does not support the oral allegations, let the above named petitioners be released on bail either in the event of his arrest by the police or surrender before the court below on execution of a bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of CJM, Purnea in connection with the above noted case, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J)

B.Kr./-Saif.

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