

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14758 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -NOORSARAI District-
NALANDA (BIHARSHARIFF)

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1. Surya Prakash @ Surya Prakash Prasad, Son of Om Prakash Prasad, Resident of Village - Saragaon, P.O. - Dahpur, P.S. - Noorasarai, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh-5 (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Noorsarai P.S. Case No.15 of 2016, disclosing offences under Sections 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

From the First Information Report, it appears that the occurrence is alleged to have taken place over a dispute relating to construction of house. As per the

allegation, the accused persons assaulted the informant with fists and slaps. There is allegation against the petitioner of having assaulted the informant with a dagger.

Learned counsel for the petitioner has submitted that injury report falsifies the allegation of assault by a dagger, as made in the First Information Report. According to him, the injuries have been found to have been caused by a hard and blunt substance. He has further submitted that prior to institution of the present First Information Report, the mother of the petitioner had filed applications before the State Human Rights Commission and National Human Rights Commission against the informant and others, as they were causing obstruction over construction of the said house.

In view of the submission, as above, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned learned Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Noorsarai P.S. Case No.15 of 2016 (G.R. No.152 of 2016),**

subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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