

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8754 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -SIDHWARA District- DARBHANGA

1. Arvind Kumar son of Mahender Paswan resident of Village -
Paigamberpur, P.S. - Singhwara, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 24-02-2016

Learned counsel for the petitioner is permitted to
make correction in the petition during course of the day.

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
147, 149, 452, 448, 341, 323, 307, 504 of the Indian
Penal Code.

The prosecution case is that in the background
of land dispute the petitioner and co-accused Amar
Kumar came and caught hold the color of the informant
and abused him. On the order of co-accused Amar Kumar,
petitioner assaulted with iron rod on the head of the
informant, causing injury. All accused persons assaulted
the informant with fists, slaps and iron rod. On

alarm being raised, the mother-in-law of the informant came to rescue, then petitioner assaulted her also and threw four years of child of the informant, as a result infant also received injury.

It is submitted by the learned counsel for the petitioner that the injury report reflects only one injury on the right eye of the mother of the informant, simple in nature, though, it is alleged that informant received injury on the head. Statement has been made in para-9 of the petition that neither the mother-in-law of the informant nor the infant child of the informant received any injury which reads as follows:-

“That the falsity of the present case is also evident by the fact that as per allegation the mother-in-law of informant was also assaulted in the said incident but there is no injury report of informant’s mother-in-law or child to substantiate the allegation made in F.I.R.”

The accusation has been levelled in the background of land dispute as Title Suit No. 01 of 2015 is pending between the parties. There is no accusation or repeating the blow. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount

each to the satisfaction of learned Sri Kuldeep, J.M., Ist Class,
Darbhanga in connection with Singhwara P.S. Case No. 127 of
2015, subject to conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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