

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17815 of 2016

Arising Out of PS.Case No. -868 Year- 2015 Thana -PHULWARI District- PATNA

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Udit Kumar Gupta @ Bholu Babu @ Bholu Babu Prasad, Son of Lal Babu Prasad, resident of Mohalla- Pethiya Bazar, Phulwarisarif, P.S.- Phulwarisarif, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Phulwarisharif P.S. Case No. 868/15 for offences alleged under Sections 341, 323, 308, 354, 504, 506/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioner with intention to kill assaulted Devanti Devi over her head causing head injury.

It has been submitted by the learned counsel for the petitioner that there was a land dispute between the informant side and the petitioner side and there was earlier proceeding under Section 144 Cr.P.C. between the petitioner and the husband and

mother-in-law of the informant as well as a counter-case has also been filed by the father of the petitioner bearing Phulwarisharif P.S. Case No. 867/15. He further submits that Section 354 I.P.C. is not applicable against this petitioner and the injury report of Devanti Devi specifies injuries to be simple in nature. It has further been submitted that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report and caused injury to Devanti Devi, hence, opposes the prayer for bail.

Be that as it may, since there was a civil dispute and a case and counter-case between the petitioner and the informant side, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, in connection with Phulwarisarif P.S. Case No. 868/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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