

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18027 of 2016

Arising Out of PS.Case No. -153 Year- 2015 Thana -NARHAT District- NAWADA

Uttam Chauhan Son of Shiv Bachchan Chauhan, resident of Village-
Raghunathpur Milki, Police Station- Narhat (Sitamarhi) in the district of
Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Narhat P.S. Case No. 153 of 2015 registered for offences
punishable under Sections 307, 379 and other allied sections of the
Indian Penal Code.

The prosecution case, in brief, is that the accused
persons tried to cut the paddy crops planted by the informant, but
he stopped the accused persons to do so. It is further alleged that
the accused persons armed with *lathi*, *danda*, *farsa* and iron rod
entered in the house of the informant by abusing him and accused
Uttam Chauhan assaulted him by means of *farsa* on his head with
intention to kill him. Accused persons also assaulted his other

relatives as also snatched golden earring from his Bhabhi and took away ornaments, clothes and Rs. 10,000/-.

It has been submitted by the learned counsel for the petitioner that petitioner has clean antecedent, as is evident from paragraph-3 of this petition and due to land dispute between the petitioner and the informant, who are own step-brothers, altercation took place between the them. It has further been submitted that present case is counter blast to the earlier case, bearing Narhat P.S. Case No. 152 of 2015, which has been lodged by the petitioner against the informant in which petitioner's side also received injuries. He further submits that Section 307 of the Indian Penal Code is not made out against the petitioner as the injury report suggests that the injuries are simple in nature. So far injury no.4 caused on the shoulder and for which opinion has been reserved for X-ray is also not grievous. He further submits that the injuries on the informant have been caused by other accused persons and not by this petitioner.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute between the brother and step-brother, let the 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 only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Narhat P.S. Case No. 153 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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