

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35629 of 2016**

Arising Out of PS.Case No. -215 Year- 2015 Thana -PAKARIBARAW District- NAWADA

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Rohit Kumar Son of Muso Mahto Resident of village- Parariya, P.S.-  
Pakribarawan (Dhamaul), District- Nawada

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 31-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Sections 341, 323, 324, 307,  
379, 504 and 506/34 of the Indian Penal Code.

Prosecution case is that on 31.10.2015 when the  
informant was going to ease, the petitioner and his father Muso  
Mahto caught hold of the informant when the petitioner assaulted  
with spade on the head of the informant thereafter the informant  
got unconscious. On gaining consciousness the informant came to  
know that his gold chain has also been snatched by the accused  
persons.

It is submitted by the learned counsel for the petitioner  
that the petitioner and informant are the neighbours and due to

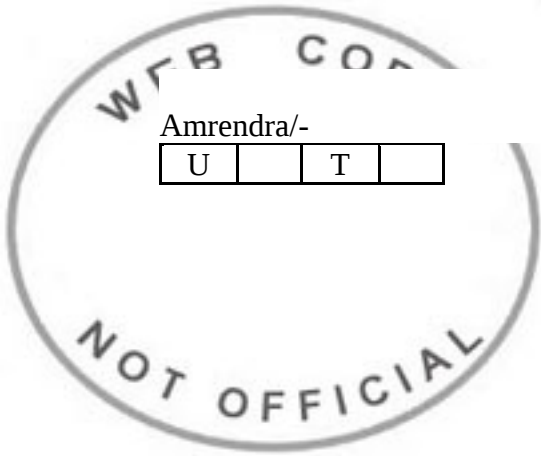


petty dispute, the accusation has been levelled. The occurrence took place at Parariya under Nawada district on 31.10.2015 at 7 AM when the informant was examined on 01.11.2015 by the Medical Officer at PHC, Aliganj which is situated in the district of Jamui, statement to that effect has been made in para 8 of the petition. It is further submitted that the injury report reflects simple superficial injury caused by hard and blunt substance whereas the accusation is of making assault by sharp cutting weapon like spade and after getting the injury report prepared, the FIR was registered on 03.11.2015. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation not being corroborated by the medical opinion and delayed lodging of the FIR, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, 1<sup>st</sup> Class, Nawadah in connection with Pakribarawan P.S. Case No. 251 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Learned counsel for the petitioner is permitted to

make necessary correction in the petition.



Amrendra/-

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**(Dinesh Kumar Singh, J)**