

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46438 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -PARWATTA District- KHAGARIA

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Monu Kumar @ Monu Mishra, Son of Ramchandra Mishra, resident of
Village- Kabela, P.S.- Parbatta, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mritunjay Prasad Singh, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-11-2016 Heard both sides.

The petitioner apprehends his arrest in Parbatta P.S.
Case No. 23 of 2016 registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant alleged that when he was constructing
the house the accused persons variously armed came there and
abused the informant. Sonu Mishra and Ram Chandra Mishra
assaulted the informant with spade. When brother of the informant
Pappu Mishra and son Ankit Raj came, Sonu Mishra and Ram
Chandra Mishra assaulted them on their head. Ranju Devi
assaulted the mother of the informant with Lathi. The petitioner is
said to have fired and fled away.

Learned counsel for the petitioner submits that there is no sign of firing on the place of occurrence. There is no allegation of assault against the petitioner. There is admitted land dispute and counter version as well.

Learned APP however opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner has also actively participated in the occurrence.

Considering the facts aforesaid and the facts that there is no allegation of assault against the petitioner nor any sign of firing is found on the place of occurrence, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in Parbatta P.S. Case No. 23 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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