

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58437 of 2015

Arising Out of PS.Case No. -242 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Rajesh Prasad S/O Jagdish Prasad R/O Village - Bara Bigha , P.S. Noor Sarai , District - Nalanda .

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1 (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 30-03-2016 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Noorsarai P.S. Case No. 242 of 2015, G.R. No. 3575 of 2015 registered for the offence punishable under Sections 341, 323, 504, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 08.09.2015 at 10:00 A.M. Rajesh Prasad and Subodh Prasad, *Bhaisur* and *Devar* respectively of the informant started abusing her on account of land dispute and on protest, they started assaulting her by means of *lathi* and *danda*. Petitioner fired on the informant, which hit on her head. Co-accused Subodh Prasad also assaulted her husband

with *lathi*.

It has been submitted by the learned counsel for the petitioner that petitioner is the full brother of the informant's husband and there has been partition in the family, but there is a land dispute between the petitioner and the informant's husband with respect to front portion of the house where the cattle are tied.

It has been submitted by learned counsel for the informant and the learned A.P.P. for the State that the injuries caused on the person of the informant have been found to be grievous in nature, which is evident from paragraph 40 of the case diary. The supervision note, annexed as Annexure-2 to this application, also indicates that there was a land dispute between the informant's husband and the petitioner and on account of the said land dispute, altercation took place between them. In the supervision note, Annexure-2 statement of the mother and grandmother of the petitioner has been recorded wherein both of them stated that the informant's husband brought the pistol and fired upon the petitioner, which hit the informant.

Considering the seriousness of the injuries caused to the informant, I am not inclined to grant the privilege of anticipatory bail to the petitioner. However, if the petitioner surrenders and prays for bail before the learned S.D.J.M., Nalanda at Biharshaif

in connection with Noorsarai P.S. Case No. 242 of 2015, G.R. No. 3575 of 2015 within a period of six weeks from today, the learned Court below will hear the matter on the same day and will take into account the statement of the mother and grandmother of the petitioner, as noted in the supervision note, Annexure-2 while considering the prayer for bail of the petitioner.

With the aforesaid observation and direction, this application is disposed of.

(Nilu Agrawal, J.)

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