

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31456 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -LODIPUR District- BHAGALPUR

Nirmal Mandal Son of Late Surendra Prasad Mandal, Resident of Village-Sarmespur, P.S. Lodipur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-09-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Lodipur P.S. Case No. 41 of 2016 for the offences registered under Sections 147, 149, 341, 323, 324, 307, 354, 435, 427 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the petitioner is said to have attacked with Tegari (Axe) and the injured is said to have received a grievous injury, yet there was no repetition of blows and there was no intention to kill so as to attract the provision of Section 307 of the



Indian penal Code. It is further submitted that there is case and counter case between the parties with regard to the said incident. The petitioner has also lodged a case bearing Lodhipur P.S. Case NO. 36 of 2016 in which fire arms injuries were also caused. Admittedly, there was no premeditation and the incident took place after fierce quarrel over the cutting of Sagwan Tree. It is further submitted that the petitioner is an agnate of the informant and has got no criminal antecedent.

Considering the aforesaid submissions and that there is case and counter case between the parties and both the parties have received injuries. let 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, 4th Bhagalpur in connection with Lodipur P.S. Case No.

41 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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