

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42745 of 2016**

Arising Out of PS.Case No. -108 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

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Santosh Kumar Dubey @ Santosh Dubey S/o Late Shyam Narayan Dubey  
resident of At and P.O. Buxar Golamber, P.S. Buxar ( Industrial ), District -  
Buxar

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

3      15-12-2016                      Heard learned counsel for the petitioner, learned  
  
counsel for the informant as well as learned Additional Public  
  
Prosecutor for the State.

Petitioner apprehends his arrest in connection with  
  
Buxar (Industrial) P.S. Case No. 108 of 2016 registered for the  
  
offences punishable under Section 307 and other allied sections of  
  
the Indian Penal Code and Section 27 of the Arms Act.

The present occurrence appears to have taken place  
  
on account of land dispute. The khesra number and plot number  
  
have not been given in the written report but submission on behalf  
  
of the petitioner is that the disputed plot belongs to mother of the  
  
petitioner and as a matter of fact, prosecution party forcibly



wanted to take possession of the aforesaid land and in that course, altercation took place between the parties. It is further submitted that petitioner is said to have given blow by butt of the gun causing head injury to informant. It is further submitted that a private doctor gave injury report mentioning that the injury found on the head of the informant was dangerous and, therefore, the aforesaid injury was grievous in nature. It is further submitted that another injury found on the person of the informant is admittedly attributed to co-accused.

Annexure-4, the photostat copy of injury report goes to show that one lacerated wound about 1 cm over right parietal region over head was found on the person of the informant and the doctor opined that aforesaid injury was dangerous and that is why the said injury was grievous in nature.

Learned counsel for the petitioner submits that aforesaid injury does not come under the purview of Section 320 of the I.P.C. and, therefore, the aforesaid injury cannot be treated as grievous in nature.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order



to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Buxar (Industrial) P.S. Case No. 108 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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