

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4036 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -KATRA District- MUZAFFARPUR

=====

1. Md. Majid Sah Son of Mahibul Sah, Resident of Village - Dargah, P.S.
- Katra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Dinesh Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2016

Petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code. Subsequently Section 302 I.P.C was also added.

The prosecution case is that for a dispute with regard to the hutment the petitioner being own brother of the informant and his wife started abusing the informant. On protest being made the petitioner assaulted with bamboo to the wife of the informant and when the informant came then petitioner threw the brick which hit to the daughter of the informant, as a result of which she became unconscious and subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that even assuming the accusation, no offence under Section 302 I.P.C is made out against the petitioner as petitioner never intended to cause injury to the daughter of the

informant. Moreover the daughter of the informant received injuries while playing but maliciously the petitioner has been roped in the present case.

Considering the nature of accusation, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Katra P.S. Case No. 99 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Muzaffarpur.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--