

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8137 of 2016

Arising Out of PS.Case No. -588 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

Putush Kumar S/o Sri Deonandan Pd. Resident of Mohalla- Sundargarh
P.S. Bihar District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Bihar P.S. Case No. 588 of 2015 registered for the offences
punishable under Section 307 and other allied sections of the
Indian Penal Code.

The prosecution case, in brief, is that while on the date
of occurrence, informant was cleaning the boundary wall, accused
persons came there and made protest and when the informant did
not stop cleaning the boundary wall, accused persons started
assaulting him causing grievous injuries. In the meantime, when
son of the informant, Abhishek Kumar came to pacify the matter,
petitioner and his wife assaulted him with knife.



It has been submitted by the learned counsel for the petitioner that petitioner is innocent and because of land dispute, for which petitioner had filed so many petitions with regard to encroachment of his land against the informant, that this allegation has been made against him. He submits that the injuries caused on the informant's son, Abhishek Kumar have been found to be simple in nature. He further submits that the petitioner has no criminal antecedent and no case under Section 307 of the Indian Penal Code is made out against him.

However, learned A.P.P. for the State submits that the altercation took place between the parties due to land dispute, petitioner is named in the First Information Report and the injury report of the son of the informant contained in paragraph 28 of the case diary, although indicates that the injury is simple, but it is not certain that it was caused by hard and blunt substance, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute and the injury caused by the petitioner on the person of the son of the informant is found to be simple, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only)

with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 588 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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