

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36590 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -AKBARPUR District- NAWADA

Munna Kumar, Son of Arvind Mahto, Resident of Village- Derwa Tand,
P.S- Akbarpur, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Akbarpur P.S. Case No.271 of 2015 registered under Sections 341,
323, 307, 504 and 379/34 of the Indian Penal Code.

The allegation of the informant is that on 13.12.2015, a
ditch was being dug for fixing the electric pole by the Electricity
Department inside the road. At that time, four persons including
the petitioner made protest and got the work of fixing the pole
stopped. When the informant alongwith one Sunil Yadav went
there and made query regarding the same, they made demand of
ransom for fixing the pole. Thereafter, all the accused persons



while abusing, armed with iron rod, pistol, lathi and danda came and the co-accused Anil Mahto ordered to kill the informant on which the petitioner gave a iron rod blow at the head of the informant with an intention to kill him causing blood oozing injury and he fell down on the ground. When Sunil Yadav came to save the informant, the petitioner caused injury to him through iron rod whereas co-accused Arvind Yadav was giving threatening at the point of pistol. At that time, the co-accused Chandan Kumar caused injury to both of them. During the occurrence of “Maar-Peet”, the co-accused Chandan Kumar took Rs.1000/- from the pocket of the informant.

Learned counsel appearing on behalf of the petitioner submits that , in fact, the electric pole was being fixed at the land of the petitioner by the Electricity Department, due to that reason, the protest was made by the petitioner’s side in which occurrence of “Maar-Peet” took place between both sides. In the said occurrence, the co-accused Arvind Mahto and others also sustained injuries regarding which on the basis of the written report of co-accused Arvind Kumar, Akbarpur P.S. Case No.269 of 2015 under Sections 341, 323, 307, 504 and 379/34 of the Indian Penal Code was instituted against the informant’s side. Moreover, one injury, as found on the person of the informant, is

simple in nature caused by hard and blunt substance.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No.271 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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