

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18804 of 2016

Arising Out of PS.Case No. -50 Year- 2015 Thana -MATIHANI District- BEGUSARAI

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Umesh Singh, Son of Late Dukhan Singh @ Late Ramotar Singh, Resident
of Village - Ramdiri, P.S. - Matihani, District - Begusarai. Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Matihani P.S. Case No. 50 of 2015, disclosing offences under
Sections 147, 148, 149, 448, 341, 323, 307, 379 and 504 of the
Indian Penal Code.

Learned counsel for the petitioner has submitted that
there is unexplained delay of two days in lodging of the First
Information Report inasmuch as the occurrence is said to have
been taken place on 30.03.2015, whereas the First Information
Report came to be registered on 02.04.2015. It has further been
submitted that the occurrence appears to have taken place over a
petty dispute between the petitioner's family and the informant,
who are agnates and next door neighbours. The petitioner is said
to have assaulted the informant with the iron-rod but the injury on
the informant has been found to be simple in nature. He has

accordingly submitted that no offence under Section 307 of the Indian Penal Code is made out inasmuch as there is no allegation that the petitioner repeated the assault.

Considering the genesis of occurrence, the fact and the submission so advanced, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Matihani P.S. Case No. 50 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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