

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.781 of 2017

Arising Out of PS.Case No. -45 Year- 2016 Thana -SAHAJITPUR District- SARAN

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1. Dular Chand Rai, S/o Late Mohan Rai, R/o Village- Najiba, P.S. Sahajit Pur, Dist.- Saran at Chhapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-01-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner is in custody since 09.11.2016 in connection with Sahajitpur P.S. Case No. 45 of 2016 registered under Sections 341, 323, 324, 307, 504, 34 of the Indian Penal Code.

3. Accusation is of assault on account of land dispute between the informant side and the petitioner along with others.

4. Learned counsel for the petitioner has submitted that the entire prosecution story on account of land dispute is a counterblast of Sahajitpur P.S. Case No. 44 of 2016, which was instituted at the instance of petitioner against the informant and others. Further, both the parties have sustained injuries on the spot. The doctor after examining the informant found lacerated wound caused by hard and blunt substance only. Therefore, there is no ingredients available on record to



make out a case under Section 307 of the Indian Penal Code against the petitioner. Moreover, the accused persons of Sahajitpur P.S. Case No. 44 of 2016, which was lodged by the petitioner against the informant, have already been granted bail by the lower court itself and this petitioner is still rotting in judicial custody for the last two months.

5. Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Sahajitpur P.S. Case No. 45 of 2016.

(Arvind Srivastava, J)

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