

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12658 of 2017

Arising Out of PS.Case No. -103 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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Abdulla @ Md. Abdullah, Son of Md. Ilias, Resident of Village-
Kadampura, Police Station- Kishanpur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-05-2017 Heard both sides.

The petitioner apprehends his arrest in Kishanpur
P.S. Case No. 103/2015, registered for the offences punishable
under Section 307 and other sections of the Indian Penal Code.

The informant named the petitioner along with other
accused persons and alleged that accused persons assaulted the
informant, his mother, sister and others with lathi, Khanti, iron rod
and Farsa.

Learned counsel for the petitioner submits that there
is land dispute between both sides. On account of assault made by
the petitioner simple injuries are caused to the injured. The police
after investigation submitted charge-sheet under Section 323 and
other bailable sections of the Indian Penal Code, but even then



without any cogent material, the court below took cognizance under Section 307 of the Indian Penal Code.

Learned A.P.P. as well as learned counsel for the informant however opposed the prayer for anticipatory bail of the petitioner, but at the same time did not dispute the fact that the injured got simple injuries of laceration and swelling.

Considering the facts aforesaid and the fact that there is land dispute and in alleged occurrence said to have taken place the injured got simple injuries and the police found the case true under Section 323 of the Indian Penal Code, but the learned court below took cognizance under Section 307 of the Indian Penal Code, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IVth Supaul, in connection with Kishanpur P.S. Case No. 103/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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