

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3901 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Chandan Kumar, son of Jai Mangal Prasad, resident of Village- Kaswa
Tola, P.S.- Pipra Kothi, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Pipra Kothi P.S. Case No. 132 of 2015, registered for the
offences punishable under Sections 341, 323, 324, 307, 379,
504/34 of the Indian Penal Code.

Allegedly, for demanding share in *Sisam* tree
Jaymangal Prasad gave order to kill and started assaulting with
lathi danda to the informant and when Sobha Devi the wife of the
informant came for rescue, Chandan Kuamr (petitioner) assaulted
her with *Dab* on her head which caused injury on forehead and
then Shobha Devi fell down and became unconscious, in the
meantime, Nainpati Devi took out silver chain and gold pin from
the nose valuing Rs. 6,000/-.

Submission is of false implication and that there was



free fight between the parties, there is case and counter case, Sobha Devi has received simple injury caused by hard and blunt object vide Annexure-2. The informant has also received simple injuries, there is no allegation against the petitioner for repeating the blow so no offence under Section 307 of the I.P.C. is made out and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that on forehead injury was caused which is on the vital part of the body.

In the facts and circumstances as stated above, considering that there is case and counter case and injury found on the person of Sobha Devi is simple in nature and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Pipra Kothi P.S. Case No. 132 of 2015, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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