

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53814 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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Md. Wasim, Son of Md. Saniz, Resident of Mohalla- Chak Abduwahid
Manjhouliya Road, P.S.- Kazi Mohammadpur, Dist- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Ajay Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER**

2 17-11-2017

Heard learned counsel for the petitioner, learned

counsel appearing for the State and the counsel appearing for the

State.

The petitioner is apprehending his arrest in
connection with Kazi Mohamadpur P.S. Case No. 131 of 2017 for
the offences under Sections 147, 148, 149, 323, 324, 307 and 379
of the Indian Penal Code.

Counsel for the petitioner submits that in the instant
case, there was a land dispute leading to an altercation between
both sides and both sides had sustained injuries and there is a case
and counter blast case. Mr. Dinu Kumar, learned counsel for the
petitioner submits that the nature of injury does not support the
nature of allegation levelled against the petitioner. He submits that
other accused persons have been granted anticipatory bail by the



Sessions court, the case of the petitioner deserves similar treatment in view of the fact that there is a land dispute and there is a case and counter case between the parties. He submits that from perusal of the fardbeyan, it would be evident that there is no repeated blow and as such, the injury does not suggest that the offence is made out under section 307 of the Indian Penal Code.

Considering the fact that there is a land dispute and there is a case and counter case between the parties and the statement made in paragraph-3 of the petition that the petitioner has got no criminal antecedent, let the petitioner, above named, in the event of arrest or surrender before the court below within one month from today, 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 Sub-Judge-I, cum ACJM, Muzaffarpur in Kazi Mohamadpur P.S. Case No. 131 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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