

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43915 of 2017

Arising Out of PS.Case No. -119 Year- 2017 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Md. Mustaque @ Md. Mustaque Ahmad Son of Late Md. Hashim, R/o
Village- Bataspur, P.S.- Kusheshwar Asthan, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 03-10-2017 Heard Mr. Nagendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

P.P.

Petitioner apprehends his arrest in Kusheshwar
Asthan P.S. Case No.119 of 2017 under Section 307 and other
Sections of the Indian Penal Code.

The informant alleged that his old house was being
demolished by the petitioner and when the informant forbade the
petitioner, he assaulted him with dagger which hit on his forehead.
The brother of the informant came to rescue and petitioner is also
alleged to have given dagger blow which was received by the
brother of the informant on his hand.



Learned counsel for the petitioner submits that there is a land dispute between two sides. The informant did not receive any injury on account of assault made by the petitioner rather the informant received injury from the bamboo and other ornaments kept thereon but it appears that there is specific allegation against the petitioner that he assaulted the informant with dagger and a cut injury was found on forehead of the informant. The aforesaid injury is simple in nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected. If the petitioner surrenders in the court below, learned court below shall consider the prayer of regular bail of the petitioner considering the facts that the injury found on the person of the informant is simple in nature and dispose of the bail petition, if possible on the same day.

(Prabhat Kumar Jha, J)

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