

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48169 of 2017

Arising Out of PS. Case No.-160 Year-2017 Thana- KUDHNI District- Muzaffarpur

Deepu Bhagat @ Deepu Kumar, Son of Ramu Uchit Bhagat, R/o Village-
Ladaura, P.S.- Kudhni, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-10-2017 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case initially registered for the offences punishable under Sections 341, 323, 307, 324 and 379/34 of the Indian Penal Code. Subsequently, after death of the informant, Section 302 IPC was also added.

The prosecution case, as per the fardbeyan of Nuruddin recorded on 25.04.2017 by S.I., Ahiyapur Police Station at SKMCH, Muzaffarpur, is to the effect that the informant purchased five and half decimals of land and got mutated the same in the name of his son. On the alleged date of occurrence, five FIR named accused persons including the petitioner came and started erecting hut on the land in question. On information being received, the informant along with his sons, Gulam Navi Azad and Gulam Rasul went and forbade to erect hut, upon



which, they got excited and started assaulting the informant. The specific accusation is that Jagan Bhagat assaulted the informant with iron rod on his head, whereas co-accused Pappu Yadav assaulted with Bhala. It is alleged against this petitioner that he assaulted the son of the informant, Gulam Navi Azad with lathi on his head. Co-accused Sunil Yadav snatched gold chain from the son of the informant. The informant was brought to SKMCH, Muzaffarpur and subsequently he was referred to Paras Hospital, Patna, where he died.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. The petitioner claims to be in possession of the land in question and it was the informant's side, who tried to take possession of the land in question. The petitioner's side lodged Kudhni P.S. Case No. 159 of 2017 with accusation under Sections 307, 504 and 506/34 of the IPC at earlier point of time against the informant's side. The petitioner is alleged to have assaulted the informant's son Gulam Navi Azad, who received only one injury, though, simple in nature, whereas, petitioner's side received altogether nine injuries, out of which, three injuries have been found to be grievous. There is no specific accusation against the petitioner of making assault to the



informant. A statement has been made in paragraph no.3 that the petitioner has no criminal antecedent.

Learned APP submits that the petitioner is alleged to have assaulted the son of the informant.

Considering the nature of accusation, particularly the fact that there is no specific accusation of assaulting the informant against the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing the bail bonds of Rs. 10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Kudhni P.S. Case No. 160 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

