

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49222 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -BEERPUR District- BEGUSARAI

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1. Sujeet Das Son of Late Suresh Das, Resident of Village- Sahuri Tin Kona, P.S. Virpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Birpur P.S. Case No. 41 of 2017, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 379/34 of the Indian Penal Code.

Allegedly, when the informant was surrounding the ditch in front of hand-pump situated in the courtyard the petitioner and other co-accused came, prevented him in surrounding the ditch claiming the land as their and when the informant replied that he is surrounding the areas of his own land and then altercation started and they abused and assaulted him by lathi and danda and the petitioner gave blade blow on penis resulting, outer part of penis was cut away and when Seema Devi came for rescue



she was also assaulted by lathi and danda and her nose pin was snatched.

Submission is of false implication and that due to land dispute the occurrence has taken place. All the offences are bailable except under Section 307 and 379 of the I.P.C. The doctor has examined the injuries and no incised wound was found on penis of the informant rather lacerated wound has been found by the doctor and that has been caused by hard and blunt substance and, as such, the petitioner deserves sympathetic consideration as the nature of injury is simple. Co-accused Kanchan Devi has been allowed pre-arrest bail vide Cr. Misc. No. 37912 of 2017 by another co-ordinate bench of this Court.

The learned A.P.P. seriously opposes the prayer of pre-arrest bail by submitting that the petitioner has caused injury on the penis of the informant and that injury has been found by the doctor also.

In the facts and circumstances as stated above, considering that injury caused on the person of the informant is of hard and blunt substance and further that 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 A.C.J.M. 1st, Begusarai, in connection with Birpur P.S. Case No. 41 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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