

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12264 of 2018**

Arising Out of PS. Case No.-584 Year-2017 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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SURENDRA KUMAR RAI @ SURENDRA RAI @ Surendra Kumar, S/o  
Bhola Rai, R/o Village- Parmanandpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2     28-02-2018            Heard learned Counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Sections 341, 323, 307, 504,  
379/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written  
report of Lalu Rai submitted to the Station House Officer,  
Muzaffarpur Sadar Police Station to the effect that on  
03.11.2017 at 6.00 AM, the informant was feeding his cattle, in



the meanwhile, five accused persons including the petitioner came and started abusing the informant. On protest being made, co-accused, Bhola Rai ordered to assault, upon which all the accused persons assaulted the informant with fists and slaps. When daughter of the informant, Rina Kumari came to his rescue, then this petitioner, Surendra Kumar Rai assaulted with iron rod on the head of the daughter of the informant, causing bleeding injury. It is further alleged that co-accused Amarjeet Kumar @ Munna took out Rs.10000/- from the lungi of the informant and co-accused, Sudhir Rai snatched gold chain and mobile worth Rs.30000/- from the informant. The accused persons also damaged the hutment of the brother of the informant causing loss to the tune of Rs.20,000/-.

It is submitted by learned counsel for the petitioner that for the occurrence of 03.11.2017, at 6.00 AM, the FIR was lodged on 04.11.2017 at 2.15 PM and the FIR reached to the Court of learned CJM on 06.11.2017, which clouds the *bona fide* of accusation. Accusation has been levelled in the background of land dispute. Though there is accusation against the petitioner to have assaulted the daughter of the informant with iron rod, but the injury report suggests one lacerated wound over mid part of scalp 1/4" x 1/4" skin deep, but the nature of injury is simple,



which does not corroborate the accusation, as the small size of injury does not suggest to have caused by assault of iron rod. Hence, the case does not come within the purview of Section 307 of the I.P.C. There is counter version of the occurrence being Muzaffarpur Sadar P.S. Case No. 585 of 2017 registered under Sections 341, 323, 337, 307, 504 and 34 of the I.P.C. lodged by the petitioner against the informant, wherein the petitioner has also received injury. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the accusation against the petitioner is specific.

Considering the accusation being not corroborated with the medical opinion and there being counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Muzaffarpur Sadar P.S.



Case No.584 of 2017, subject to the conditions as laid down  
under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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