

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1661 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- CHANAN District- Lakhisarai

Krishna Rajak @ Krishnandan Rajak, S/o Bhagirath Rajak, R/o Village-
Basmatiya, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324 and 307 of the Indian Penal Code.

The prosecution case is that on 25.10.2017, the informant's
father was working in his agricultural field, he made protest
against the act of adjacent field owner, namely, Krishna Rajak,
the petitioner, for not flowing dirty water in his field which
resulted into an altercation, whereafter, when the informant
along with his father was going to his house, then the accused
persons variously armed came there, when Krishan Rajak
assaulted the informant by means of iron rod on his head and
Pairu Rajak assaulted him by spear causing injury on his palm.
It is also alleged that all the accused persons assaulted the father



of the informant also.

It is submitted by learned counsel for the petitioner that for a petty dispute, the accusation has been levelled. There is no accusation against the petitioner of repeating blow, hence, it cannot be said in certain terms that the petitioner had any intention to kill the informant. Moreover, the injury has been found simple in nature, as gets reflected from the impugned order. There is counter version of the occurrence being Chanan P.S. Case No. 118 of 2017, levelling accusation under Sections 147, 148, 149, 448, 341, 323, 354B, 427, 379, 504 of the Indian Penal Code, though subsequent to the case lodged by the informant, wherein, the sister-in-law of the petitioner Sanju Devi has 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 of assault is against this petitioner also.

Considering the fact that there is no accusation of repeating the blow and injury has been found simple in nature coupled with the counter version of the occurrence, 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 ACJM-I, Lakhisarai, in connection
with Chanan P.S. Case No. 116 of 2017, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

