

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62979 of 2018**

Arising Out of PS.Case No. -318 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

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1. Mahesh Das Son of Chinti Das Resident of Village- Mohamadali Tola,  
Ward No-11, Sitanabad Police Station- Bakhtiyarpur District-Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Manish Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      11-10-2018      Heard learned counsel for the petitioner and learned APP for  
the State.

The petitioner is apprehending his arrest in a case registered  
under Sections 341, 323, 324, 379, 307/34 of the Indian Penal  
Code.

The prosecution case, in brief, is that while the informant was  
providing of fodder to his cattle, accused persons .dug soil on the  
land situated by the side of path. Altercation took place and  
thereafter, allegedly, the accused persons assaulted the informant.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. There is no allegation of  
tampering of witnesses alleged against the petitioner. The  
petitioner has been falsely implicated in the present case. It is



submitted that there is allegation of assault by sword, but from the injury report, it appears that the same was caused by hard and blunt substance. The manner of occurrence is not supported by the injury report. However, it is submitted that the nature of injury is simple. No offence u/S 307 of the Indian Penal Code is made out. Rest of the offences are triable by Magistrate.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No. 318 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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