

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13905 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -ARIYARI District- SEKHPURA

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Gopal Mistry, Son of Late Dawrika Mistri, Resident of Village- Afardih,
P.S.- Ariyari (Mahuli), District- Sheikhpura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Anjani Pd. Singh, Advocate.

For the Opposite Party : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 10-04-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
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The petitioner is languishing in custody since
11.11.2017 in a case for the offence registered under Sections 341,
323, 325, 307, 504 of the IPC but the police has removed Section
325 of the IPC in which charge sheet has been submitted under
Sections 498(A), 341, 323, 307 and 504 of the IPC.

The prosecution story, in brief, is that the informant
is the daughter of the petitioner. The petitioner came and began to
abuse the informant's mother and asked the informant to go with
him. On protest made by the informant, she was assaulted by
means of *Lathi* on her headm left hand and leg with intention to



kill. She fell unconscious and she was admitted in the Hospital for treatment. It is further alleged that the petitioner always tortured and assaulted the mother of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. From perusal of the injury report, it is evident that nature of injury is said to be simple. Hence no offence under Section 307 IPC is made out. Rests of the offences are triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.



Sheikhpura, in connection with Ariyari P.S. Case No. 74 of 2017,
G.R. No. 576 of 2017.

U.K./-

(Sudhir Singh, J)

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