

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2153 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- SIRDALA District- Nawada

Manoj Rajvanshi @ Maanoj Rajvanshi, S/o- Lakhan Rajvanshi, R/o-
Village/Mohalla- Kasiyadih, P.S.- Sirdala, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. TARKESHWAR NATH THAKUR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 325/34 of the IPC.

The prosecution case as per the written report of Karu Rajvanshi dated 27.07.2017, submitted to the S.H.O., Sirdala Police Station is to the effect that on 26.07.2017 at 8 AM, the informant, Karu Rajvansi and his brother Dinesh Rajvansi were sitting near a bridge, when the accused persons including the petitioner came and assaulted the informant and his brother. It is alleged that Co-accused Vijay Rajvansi assaulted with Khanti on the head of Pramod Rajvansi, whereas the petitioner Manoj Rajvansi assaulted with Khanti, causing fracture injury on the hand of Dinesh Rajvansi. Co-accused Lakhan Rajvansi



assaulted the informant, Karu Rajvansi causing injury on his head. In the meantime, co-accused Tuntun Devi, Gayetri Devi and Reena Devi came and assaulted the informant.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant. Though, the accusation against the petitioner is of assaulting with Khanti causing fracture injury at the hand of Dinesh Rajvansi, but the injury report of Dinesh Rajvansi suggests pain and swelling and fracture of fifth Meta Cavdar, bone of right palm, and there is no accusation of repeating the blow and even assuming the accusation, the case at best comes within the purview of Section 325 IPC. There is counter version of the occurrence also and the case lodged by petitioners' side is at earlier point of time. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that the accusation has been levelled in the background of land dispute, there is no accusation of repeating blow and the case lodged by the petitioners' side is at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of



arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-V, Nawada in connection with Sirdala P.S. Case No. 178 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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