

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12281 of 2018

Arising Out of PS.Case No. -388 Year- 2017 Thana -SHERGHATI District- GAYA

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Matang Bhuiyan @ Matang Mandal S/o Sita Ram Bhuiyan, R/o Village-
Bhadwar, P.S.- Dobhi, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Sri Mustaque Alam

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

ORAL ORDER

02/ 28-02-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 341,
323, 447, 308, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written
report of Balchandra Ravidas dated 16.07.2017 submitted to the
Station House Officer, Dobhi P.S. is to the effect that on
15.07.2017 at about 3.00 P.M. the informant was sitting besides
his house, in the meantime, the petitioner Matang Bhuiyan came
and started abusing for fencing the maize crop with Khagra, the
informant replied that he has done the fencing to prevent the
destruction of his crops from animals. Thereafter the petitioner



assaulted the informant with lathi causing injury on the head.

It is submitted by learned counsel for the petitioner that for the occurrence of 15.07.2017 at 3.00 P.M. the FIR was registered on 16.07.2017 at 2.20 P.M. while the FIR reached to the court of learned ACJM on 18.07.2017 which clouds the prosecution case. The accusation has been levelled in the background of land dispute. After CT Scan it is found that the informant has received one lacerated wound on the frontal side of the scalp simple in nature caused by hard and blunt substance. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that though the informant has received injury, but the nature of the injury suggests that petitioner had no intention to cause any injury, moreover, there is no accusation of repeating the blow, the injury report suggests only one injury and a statement has been made in paragraph 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 twelve weeks from today,



on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 388 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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