

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9553 of 2018

Arising Out of PS.Case No. -523 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Ram Lalit Bhagat, S/o Late Ram Dayal Bhagat, R/V- Adharpur, P.S.-
Samastipur (Muffasil), District:- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 17-02-2018

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 147,
148, 307, 324, 354, 380, 448, 452 and 504 of the Indian Penal
Code.

The prosecution case got initiated with
filing of Complaint Case No. 1494 of 2017 by Indradeo Bhagat
on 24.08.2017 which came to be registered as police case on
03.09.2017 after complaint being transferred under Section
156(3) of Cr.P.C. It is alleged in the complaint petition that the
accused persons came armed with Farsa and lathi at the door of



the informant and started abusing the informant and when out of fear the informant went inside the house, the accused persons entered into his house and the petitioner the informant assaulted with axe which caused injury on the head and thereafter, the petitioner also repeated the blow, as a result which he received injury on the left hand. Other accused persons also assaulted the informant with lathi and danda and when the informant's son Ravindra Bhagat and daughter-in-law Anila Devi came to his rescue, they were also assaulted. It is alleged that co-accused Ranjeet Bhagat tore the sari and blouse of the daughter-in-law of the informant, co-accused Sanjeet Bhagat snatched a bag containing the documents of landed property and a gold chain of the daughter-in-law of the informant.

It is submitted by learned counsel for the petitioner that for the occurrence of 19.08.2017, the complaint was filed on 24.08.2017, which came to be registered as police case on 03.09.2017. The injury has been found to be simple in nature and the accusation has been levelled in the background of land dispute, whereas the case lodged by the petitioner side was registered on 19.08.2017 being Samastipur (Muffasil) P.S. Case No. 492 of 2017 with accusation of offences punishable under Sections 447, 341, 323, 324, 307, 504 and 506/34 of the Indian



Penal Code, against the informant side. The injury report of the informant was not produced by the I.O. before the learned Court below. The petitioner has also received injury. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the delayed lodging of the case and the case lodged by the petitioner's side at earlier point of time, 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-Vth, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 523 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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