

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20043 of 2018

Arising Out of PS. Case No.-9 Year-2017 Thana- PALASI District- Araria

Md. Gahma, S/o Late Sujal, R/o Village- Chouri , P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307, 323, 324, 341, 379 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 17.01.2017 submitted by Md. Yaseen to the Station House Officer, Palasi Police Station to the effect that on 15.01.2017 at 4.00 P.M., the informant along with his son were ploughing their purchased land. In the meantime, 10 accused persons, including the petitioner, came and gave life threatening. Thereafter, the petitioner assaulted with farsa on the head of the informant, when co-accused Md. Sirwan took out Rs.5000/-



from the pocket of the informant, whereas, his sons Sajid and Abu Bakar were assaulted by means of lathi. When wife of the informant Sabila and brother's wife (Bhabhi) Bibi Ruksa came to rescue, then they were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. There is no accusation of repeating the blow, though the learned Sessions Judge has found sharp cut injury on the head, but discussion about the injury by the learned Sessions Judge in the impugned order does not suggest that the injury caused by the petitioner has been found grievous. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the accusation is specific against the petitioner.

Considering the accusation being levelled in the background of land dispute and in the background of proceedings initiated under Sections 107 and 144 of the Code of Criminal Procedure between the parties from before, there is no accusation of repeating the blow, the impugned order does not suggest that the informant has received any grievous injury and for the occurrence of 15.01.2017, the FIR was registered on



17.01.2017 through the written report, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Araria, in connection with Palasi P.S. Case No.09 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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