

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30635 of 2018

Arising Out of PS. Case No.-388 Year-2017 Thana- CHHATAPUR District- Supaul

Khagesh Kumar, Rajesh Kumar, Rajdeo Yadav, R/o Village-Bhattawari, P.S.-
Chhatapur, Distt-Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
307/323/324/341/379/504/5046/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report submitted by Dhirendra Kumar Yadav to the Station
House Officer, Chatapur Police Station to the effect that on
26.11.2017 at 7.00 A.M., four accused persons, including the
petitioner came and cut the ‘Gullar’ tree from the disputed land
and they tried to take away the tree. On protest, being made by
the informant, the petitioner assaulted with ‘farsa’ causing injury
on the head of the informant. When the informant fell down, the
co-accused Chandan Kumar assaulted him with lathi. When the



mother of the informant came to rescue, the accused persons abused and assaulted her, as a result her right hand's finger was severed. It is further alleged that co-accused, Abha Devi tore the saree of the mother of the informant. On alarm being raised, when the brother of the informant and cousin came, they were also assaulted by the accused persons. The accused persons also snatched Rs.4500/- from the informant and gold nose pin from the nose of the mother of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute the accusation has been levelled. There is counter version of the occurrence also being Chhatapur P.S. Case No. 388 of 2017 by the petitioner's side against the informant. Statement has been made in paragraph no. 9 of the petition that both sides have received simple injuries. Moreover, there is no accusation against the petitioner of repeating the blow. 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 learned APP for the State that there is specific accusation of assault against the petitioner by means of farsa to the informant.

Considering the genesis of the occurrence, there is counter version of the occurrence and statement made in



paragraph no.9 of the petition to the effect that both sides have received simple injuries, 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-IV, Supaul, in connection with Chhatapur 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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