

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37767 of 2018

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Upendra Chaudhary son of Late Bhagwat Chaudhary resident of village-
Madhepur, P.S.- Kaluahi, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 02-07-2018

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, 149, 341, 323, 379, 307, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Urmila Devi submitted to Station House Officer of Kaluahi P.S. on 08.12.2017 is to the effect that in the background of land dispute between the informant and the accused persons, the petitioner assaulted with Farsa causing bleeding injury on the back of the head of cousin daughter-in-law of the informant namely, Kakulti Devi.



It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. There is a counter version of the occurrence being Kaluahi P.S. Case No. 149 of 2017 registered for the offences punishable under Sections 147, 149, 341, 323, 354B, 448, 379 and 504 of the Indian Penal Code. The injury report of Kakulti Devi suggests one injury over mid scalp but the doctor has found the said injury to be simple in nature caused by hard and blunt substance.

Learned APP, however, submits that the accusation is specific against the petitioner.

Considering the genesis of the occurrence for land dispute, counter version of the occurrence and accusation of making assault by sharp cutting weapon not being corroborated by the medical opinion coupled with the statement 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 Judicial Magistrate, Ist Class, Madhubani in connection with



Kaluahi P.S. Case No. 145 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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