

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37896 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- KATRAHA District- Vaishali

Prabhat Kumar S/o Shashi Bhushan Singh, R/o Vill.- Gurmia, P.S.- Kartahan
in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report submitted by Sanjay Kumar, SHO of Kartahan police station is to the effect that there is a septic tank of the agnate of the informant, in front of his door, which is not covered, concerning which the informant was requesting his agnate to get it covered, since last six months. On 21.04.2018 also, the informant requested his agnate to get the septic tank covered, upon which the accused persons including the petitioner came on the door of the informant and started abusing and threatened him, but since the petitioner was alone in his house, he closed the door. On



22.04.2018, when the informant was going to his office he was assaulted by the petitioner with hasua whereas, co-accused Shashi Bhushan Singh assaulted with garasa. It is also alleged that Shashi Bhushan Singh took out Rupees Sixteen Thousand from the pocket of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant and in the background of bonafide dispute with regard to the construction of septic tank, the accusation has been levelled. For the initial occurrence of 21.04.2018, the F.I.R. was registered on 23.04.2018. The impugned order does not suggest that any grievous injury has been caused to the informant. It is further submitted that there is no accusation of repetition of blow. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the genesis of the occurrence and the fact that there is no accusation of repetition of blow, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Vaishali in connection with Kartahan P.S. Case No. 31 of 2018, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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