

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39700 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- MAHUA District- Vaishali

SUDHIR KUMAR SINGH @ SUDHIR SINGH, S/o Late Shri Ram Sogarath
Singh, R/o Vill.- Narpur Belwa, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Sri Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 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,
342, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 13.01.2018 submitted by Awanindra Kumar Singh
to the Station House Officer, Mahua Police Station is to the
effect that on 12.01.2018 at 4.30 P.M., when the informant was
going to his house after closing his shop, he saw the petitioner
Sudhir Kumar Singh and other co-accused persons cutting
Sheesham tree from his disputed land. On protest being made,
petitioner assaulted with sword on the head of the informant
causing injury over his left eye, while, other co-accused persons
assaulted the informant with lathi, danda and axe. On



13.01.2018, at 6.00 P.M., the son-in-law of the informant and others came to see the informant, then accused persons assaulted them causing injury to them also. It is also alleged that accused persons snatched a Samsung mobile from the son-in-law of the informant, whereas, others were assaulted by the co-accused persons with iron rod. The accused persons also confined them in a shop.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. There is a counter version of the occurrence, being Mahua P.S. Case No. 13 of 2018, lodged with accusation under Sections 341/323/324/385/307/379/504/34 of the I.P.C. by Jitendra Kumar Singh against the petitioner. The injury report has been discussed by learned Sessions Judge in the impugned order which suggests that the informant has received two injuries. Though the opinion about the nature of the injury has been kept reserved, but apparently, it appears that injuries are simple in nature. Though injury is alleged to have been caused by sword which is a sharp cut weapon, but lacerated injuries have been found. It is further stated that moreover, accusation of making assault is against three persons, including the petitioner, but only two injuries have been found. 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 is against the petitioner.

Considering the genesis of the occurrence and the fact that the accusation is not being corroborated by the medical opinion, 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 CJM, Vaishali at Hajipur in connection with Mahua P.S. Case No.12 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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