

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66270 of 2018

Arising Out of PS. Case No.-85 Year-2018 Thana- SIRDALA District- Nawada

Kuleshwar Prasad, S/o Late Chamari Prasad, resident of Village Amjhari,
P.S.- Sirdalla, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Sri Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 341, 323, 504,
506, 307 and 385 of the IPC.

The prosecution story, in brief, is that on 09.03.2018
at 5.00 P.M. the informant was sitting in his house. At that time,
his cousin brothers Kuleshwar Prasad, Arjun Prasad and Mosafir
Prasad came there and told why he is not giving passage to exist
and entry then he told he would not give land of his share for the
way and for the said matter all have started abusing him and
Md. Mesat brought *Khanti* from his house and started assaulting
his wife Anita Devi and when his daughter Sangam Kumari
went to save his wife, his daughter was assaulted by Muneshwar



Prasad with *Iron rod* due to which, she sustained serious injury upon which Randhir Kumar came there and threatened to kill all of them and on hulla his brother Upendra Prasad came then all have abused him and assaulted him with fat and kick. It is also alleged that they were forcibly cultivating *Fifteen Kathas* of land of his share.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V,



Nawada, in connection with Sirdalla P.S. Case No. 85 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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