

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72203 of 2018

Arising Out of PS. Case No.-286 Year-2017 Thana- MADHAURAH District- Saran

Kundan Kumar Singh @ Kundan Kumar, Son of Late Devendra Singh,
Resident of Village-Siswan Rasulpur, P.S. Marahaura (Gaura O.P.), District-
Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate.

For the Opposite Party : Mr. S. Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 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, 149, 341, 323, 324,
307, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 06.07.2017
at 13.00 hours when the informant was at his home, in
meanwhile, petitioner and others assaulted him with *Farsa*,
Sword and *Iron rod* by abusing him. Co-accused Anant Singh
assaulted him with *Farsa* on his head. When his brother Rahul
Kumar and mother Panpati Kunwar came to rescue him,
Kundan Kumar (petitioner) assaulted on the head of Rahul
Kumar. When he tried to flee, Kundan Kumar (petitioner)



assaulted with *Arow-Sword*. Co-accused Laxman Singh assaulted with *rod* on the cheek of Jatashankar. Co-accused Shanti Devi and Kiran Devi assaulted with Lathi to Panpati Kunwar.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is case and counter case between the parties. Free fight is alleged to have taken place 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.-XIIIth, Saran at Chapra, in connection with Maharaura P.S. Case



No. 286 of 2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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