

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20713 of 2018

Arising Out of PS.Case No. -263 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

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Mithu Kumar S/o Pappu Chandravanshi Resident of Village - Kirhindi, P.S.
- Shivsagar, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chhotan Kumar S/o Yamuna Chandravanshi Resident of Village -
Kirhindi, P.S. - Shivsagar, District - Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 20-04-2018

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 307,
323, 324, 341, 354C, 379 and 448/34 of the Indian Penal Code.

The prosecution case got initiated with the
written report of Chhotan Kumar dated 15.09.2017 submitted to
the Station House Officer, Sheosagar P.S., to the effect that on
15.09.2017 at 7.00 P.M. the informant was selling eggs at his
shop in front of her house when the petitioner and his family
members, being the neighbour of the informant forbade the



informant from selling the eggs. On protest being made, they threatened to throw all the eggs on the road. Subsequently, the petitioner, petitioner's grandmother, Annapurna Devi and his mother came and started assaulting the informant. Thereafter, they entered into the house of the informant and assaulted the sister-in-law of the informant and snatched earring and Mangalsutra from her. It is specifically alleged against the petitioner that he assaulted the informant with Pahsul (a sharp cut substance used for chopping vegetables) on the head of the informant.

It is submitted by learned counsel for the petitioner that in the background of a petty dispute, the occurrence took place since the informant was not keeping the road to clean and hence, he was forbade not to sell eggs and on the protest being made by the petitioner, the occurrence took place. There is specific accusation against the petitioner to have assaulted on the head of the informant but that injury has not been found grievous. Though, the impugned order suggests that the injury on the thumb has been found grievous, but from the FIR, it is not clear as who caused the said injury. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



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

Considering the fact that specific accusation of assault on the head has been alleged against the petitioner but the said injury has been found to be simple, 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 Chief Judicial Magistrate, Rohtas, Sasaram in connection with Sheosagar P.S. Case No. 263 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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