

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39433 of 2018

Arising Out of PS.Case No. -35 Year- 2018 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Madan Singh s/o late Inar Singh resident of village - Madhurapur P.S. Pipra
Distt East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 09-07-2018

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 147, 148, 323, 324, 341, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Gautam Kumar dated 03.03.2018 submitted to the Incharge Police Camp, Sadar Hospital, Motihari, is to the effect that on the same day at 11 A.M. the father of the informant was ploughing his land through his tractor and his younger brother, Rahul Kumar was sitting at the ridge of the land, in the meantime, the petitioner, Madan Singh, co-accused Abhinit Singh, Yadolal Singh and Nageshwar Singh came, variously armed and started abusing the informant. On protest being made, on the order of petitioner,



Madan Singh, co-accused Surendra Singh assaulted with Farsa on the head of the informant causing cut injury, when the father of the informant came to rescue him, he was assaulted by Yadolal Singh with lathi and the younger brother of the informant, Rahul Kumar was assaulted by Abhinit Singh. It is further alleged that the petitioner Madan Singh snatched Rs.10,000/- from the father of the informant and co-accused Ramesh Singh snatched locket of the chain from the father of the informant.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. The accusation of assault has not been levelled against the petitioner and accusation under Section 379 of the Indian Penal Code is cosmetic in nature. It is further stated that there is a counter version of the occurrence being Pipra P.S. Case No. 36 of 2018 registered with accusation under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code. The injury has been found to be simple in nature and a statement has been made in paragraph 3 that the petitioner is not having criminal antecedent.

Learned APP, however, submits that the accusation is specific against the petitioner.

Considering the fact that the accusation of



assault has not been levelled against the petitioner, the accusation has been levelled in the background of land dispute and a statement has been made in paragraph 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 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, Motihari, East Champaran in connection with Pipra P.S. Case No. 35 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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