

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20050 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- LALGANJ District- Vaishali

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Amarjit Rai, S/o Sadhu Rai, R/o Village- Agarpur, Ward No. 09, P.S.- Lalganj,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 447, 341, 323, 325,
379, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Smt. Sharmila Devi, recorded by the Sub-Inspector of Police M.
P. Mandal of Lalganj Police Station on 12.01.2018 at 7.15 P.M.,
to the effect that on 12.01.2018, at 8.00 P.M., while the
informant was standing at the door of her house, in the
meantime the, petitioner Amarjeet Rai came and parked his
tractor in front of the house of the informant and while he was
moving his tractor, it was obstructed by the informant since she
was having apprehension that her straw house will be damaged
by the tractor, as a result the accused persons agitated and



variously armed came at the door of the informant and started abusing her. On protest being made, the petitioner Amarjeet Rai assaulted the informant with lathi causing injury on her head and leg. When son of the informant Rakesh Kumar came to rescue her, he was also assaulted by all the accused persons. It is further alleged that the petitioner Amarjeet Rai snatched gold chain worth Rs.45000/- from the neck of the informant.

It is submitted by learned counsel for the petitioner that the injury of the informant has been found to be simple in nature. The accusation has been levelled in the background of land dispute. However, one of the injuries of the son of the informant, Rakesh Kumar, has been found to be grievous, but accusation of making assault to Rakesh Kumar is omnibus and general against all the accused persons. 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 Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the fact that the dispute arises with regard to parking of truck and the injuries caused to the informant by the petitioner is simple in nature, so far as the injury of the son of the informant Rakesh Kumar is concerned from the accusation



made in the FIR he has been assaulted by all the accused persons, 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 Lalganj P.S. Case No.16 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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