

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9560 of 2018

Arising Out of PS.Case No. -384 Year- 2017 Thana -PUPRI District- SITAMARHI

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Nikesh Kumar @ Sonu, Son of Late Kamlesh Chaudhary, Resident of
Village – Barari Behta, P.S. – Pupri, District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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

ORAL ORDER

02/ 17-02-2018

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 341,
323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written
report of the informant Abhisek Sharma dated 10.11.2017 is to
the effect that on 10.11.2017 the informant was sitting at his
door when the petitioner came and after initiating an altercation,
he assaulted with knife causing injury on the head and the back
shoulder 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 injuries have been found on the head and back of the shoulder but both the injuries have been to be found simple in nature, hence, at best, the case comes within the purview of Section 324 of the Indian Penal Code and the case registered by the petitioner being Pupri P.S. Case No. 383 of 2017 with accusation under Sections 341, 323, 325, 379 and 307/34 of the Indian Penal Code against the informant was registered on 10.11.2017 at 7.30 P.M., whereas the present case was registered on the same day at 7.45 P.M.. It is further submitted that the petitioner has received grievous injury. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that the petitioner has received grievous injury whereas the injury of the informant has been found to be simple coupled with the statement 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 Sub-divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 384 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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