

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15739 of 2019**

Arising Out of PS. Case No.-180 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

MD. ABBAS Son of Md. Jakir Resident of village-Suja Tola, PS Muffasil,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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

2 14-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 8.11.2018 in a case registered for the offences punishable under Sections 323,307,354 and 504/34 of the I.P.C.

The prosecution case as per the written report of Shahjahan recorded by the ASI Mahendra Chaudhary of Begusarai Town Police Station is to the effect that there was title suit going on between the accused persons and the informant and the accused persons were pressurizing for the compromise. It is alleged that on 10.4.2018 at 11.30 A.M. when the informant along with his elder brother Md. Babar Ali was returning to his native village, he found that



the accused persons including the petitioner were fixing bamboo on the field of the informant. On protest being made, it is alleged that on the order of co-accused Md. Israful, the petitioner assaulted the informant with Khanti on his head causing injury. Thereafter, the neighbour came and took the informant to Sadar hospital for treatment.

It is submitted by learned counsel for the petitioner that the accusation of assault has been levelled in the background of land dispute. Though the injury of the informant has been found to be grievous but there is no accusation of repeating the blow, hence, it cannot be inferred that the petitioner had the intention to kill him. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner assaulted the informant causing grievous injury.

Considering the fact that the investigation has already been concluded, the genesis of the occurrence being land dispute between the parties, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period under custody, let



the petitioner above named be released on bail 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, Begusarai in connection with Begusarai
Mufassil P.S. Case No.180 of 2018.

(Dinesh Kumar Singh, J)

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