

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12567 of 2019

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

Rudal Tanti, son of Kapildeo Tanti @ Kapil Tanti, Resident of Village - Jagatpura, P.S. Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-06-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Matihani P.S. Case No.180 of 2018 for the offence punishable under Sections 147, 149, 341, 323 and 307 of the Indian Penal Code.

The allegation against the petitioner is that he assaulted the informant with the help of iron rod upon which she received injury on her head.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated due to land dispute. From perusal of Annexure-2, it would appear that an inquiry report was submitted by Assistant Sub Inspector, Matihani before the SDO, Sadar, Begusarai in which it has been mentioned that both



the parties were having a dispute with regard to plot No.1426, 1427.

Learned counsel for the petitioner further referred Annexure-3 which is a notice under Section 107 of Cr.P.C. in which father of the petitioner Kapil Deo Tanti is first party from the side of informant. Learned counsel further submits that injury caused to the informant is simple in nature and the learned Sessions Judge has wrongly recorded in his order that injury is grievous causing fracture on the head of the informant which is an error of record inasmuch as from perusal of injury report, it will be evident that the injury caused on the person of the informant is not on the head but on the forehead and that too is simple in nature.

Learned counsel for the State has submitted that from perusal of the case diary, it appears that injury caused to the informant is simple in nature on the forehead not on the head of the informant.

After having heard learned counsel for the petitioner as well as learned counsel for the State and upon perusal of materials available on record, it appears that the parties have a previous dispute pertaining to the land and the injury allegedly inflicted upon the informant is simple in nature on the



forehead and not on the head as alleged in the First Information Report.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Begusarai, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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