

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13349 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- PIPRA District- Supaul *

Md. Murturja @ Md. Murtuja, Son of Late Wajid Mian @ Md. Vajid R/o
village- Thumaha, P.S- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 504, 506 and 307/34 of the IPC.

The prosecution case, as per the written report of Sitaram Sah, dated 05.07.2018, submitted to the Station House Officer, Pipra Police Station, is to the effect that the petitioner encroached upon the land of the informant, but in spite of several reminders issued by Circle Officer, the petitioner did not remove the encroachment from the land of the petitioner. It is further alleged that in a tornado, a tree fell down on the land of the informant, but the petitioner started cutting the same and when the son of the informant made protest, all the accused



persons started abusing him and pelting bricks, as a result, the informant and his daughter-in-law received injuries. In the meantime, petitioner came armed with sword and assaulted the son of the informant causing cut injury on his left temporal region.

It is submitted by learned counsel for the petitioner that the accusation has been levelled against the petitioner in the background of land dispute. For the alleged occurrence of 02.07.2018, the FIR was lodged on 05.07.2018. There is counter version of the occurrence also, being Pipra P.S. Case No. 207 of 2017, lodged by the petitioner's side against the informant's side with accusation under Sections 147, 149, 341, 323, 379 and 504 of the IPC. Though, it is stated in the pleading that the true copy of the FIR of Pipra P.S. Case No. 207 of 2017 is kept at Annexure-2, but Annexure-2 is not available on the record, which reflects the callous manner in which the stamp reporting is functioning. It is further submitted that it appears that the impugned order has been passed after going through the case diary, which suggests that the informant's side has not received any grievous injury.

Learned APP submits that there is specific accusation against petitioner no.1 to have assaulted the son of the informant



with sword.

Considering the delayed lodging of the FIR, genesis of occurrence being land dispute, counter case being filed by the petitioner's side and the fact that there is no accusation of repeating blow against the petitioner, moreover from the impugned order, which has been passed after going through the case diary, does not suggest that the informant's side has received any grievous injury, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Supaul in connection with Pipra P.S. Case No. 143 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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