

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18380 of 2019

Arising Out of PS. Case No.-363 Year-2018 Thana- RAJNAGAR District- Madhubani

MD. MOTI Son of Md. Jahid Resident of Village- Mangrauni Usrahi, P.S.-
Rajnagar, District- Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Rajnagar P.S. Case No. 363 of 2018 for the offence under Sections 341, 324, 307, 354(B), 504 and 379 of the Indian Penal Code.

It is evident from the First Information Report that the occurrence had taken place because of land dispute between the informant and the persons named in the First Information Report. There is allegation against the petitioner of having assaulted the informant with a *farsa* in his head.

Learned counsel appearing on behalf of the petitioner, referring to the First Information Report, has submitted that the allegation, constituting offence punishable under Section 354(B) of the Indian Penal Code, is nothing but superimposition. So far as offence under Section 307 of the



Indian Penal Code is concerned, he submits that the injury report falsifies the said allegation, which discloses injury to be simple in nature.

Be that as it may, considering the nature of injury and the background in which the occurrence is said to have taken place, case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 A.C.J.M.-1st, Madhubani in Rajnagar P.S. Case No. 363 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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