

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77568 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- SHRI NAGAR District- Madhepura

Md. Mumtaj S/o Mejan, R/o Vill.- Mangarbara, Tola- Ghordoul, P.S.-
Srinagar, District- Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Srinagar P. S. Case No.37 of 2018 registered under Sections
341, 323, 324, 307, 379 and 504 read with 34 of the Indian
Penal Code.

Learned counsel for the petitioner submitted that
though there is allegation against the petitioner that he assaulted
the informant with iron rod on his head, the injury found on
his head is simple in nature. He contended that all the
family members of the petitioner have been made accused
owing to a dispute relating to fixing of *Tati* (bamboo pieces)
over the land. He further contended that the injuries found on
the person of the informant are all on non-vital part of the body



except one on occipital region and that too has been found simple, hence, the ingredients of the offence punishable under Section 307 of the Indian Penal Code would not be attracted.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submission made above, in the event of arrest or surrender before the court below, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Madhepura in Srinagar P. S. Case No. 37 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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