

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77507 of 2018

Arising Out of PS. Case No.-78 Year-2017 Thana- PASRAHA District- Khagaria

Uday Singh S/o Nawal Kishor Singh, R/o Dina Chakla, P.S.- Pasraha,
District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.09.2018 in a case registered for the offence punishable under Sections 341,323,379,504 and 506 of the Indian Penal Code and subsequently Section 325 and 307 of the I.P.C were also added.

The prosecution case got initiated on the basis of written report dated 12.06.2017 submitted by Mahesh Singh to the Station House Officer, Pasraha Police Station is to the effect that on the same day, when the informant asked the petitioner Uday Singh to put fencing on his land, then he started abusing him and assaulted on his head with lathi,



causing injury on his right ear. It is further alleged that the petitioner also took away ear-rings of the daughter of the informant in course of the incident.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general. In the background of land dispute, the accusation has been levelled. It is further submitted that there is no accusation of repeating the blow and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that since the informant is suffering from hearing loss due to the assault made by the petitioner, the said injury has been found to be grievous.

Considering the genesis of the occurrence being land dispute and accusation of assault is omnibus and general against the petitioner and in view the fact that investigation has already been concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned



CJM, Khagaria in connection with Pasraha P.S. Case No.78 of
2017.

(Dinesh Kumar Singh, J)

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