

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36959 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- DARAUNDA District- Siwan

1. Santosh Prasad Son of Ishwar Prasad, Resident of Village - Bagaura, Janki Tola, P.S.- Daraunda, District- Siwan
2. Brijesh Kumar Son of Ishwar Prasad Resident of Village - Bagaura, Janki Tola, P.S.- Daraunda, District- Siwan
3. Prakash Prasad Son of Ishwar Prasad Resident of Village - Bagaura, Janki Tola, P.S.- Daraunda, District- Siwan
4. Jai Ram Prasad Son of Late Doma Prasad, Resident of Village - Bagaura, Janki Tola, P.S.- Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-06-2019 Heard both sides.

Petitioners apprehend their arrest in Daraunda P.S.

Case No.236 of 2018 registered under Sections 341, 323, 324,
307, 504 and 34 of the Indian Penal Code.

The informant named four petitioners including other
accused in the F.I.R. and alleged that while he was giving pillars
over his land on 14.11.2018, Santosh Prasad (petitioner no.1)
along with other came and on the order of Santosh Prasad,
Prakash Prasad (petitioner no.3) is said to have assaulted the
informant with daab (a sharp cut weapon) on his head. The



informant sustained injury on his head and fell down and became unconscious. The informant further alleged that when his uncle came to save him, the accused persons also assaulted his uncle.

Learned counsel for the petitioners submits that the occurrence took place on 14.11.2018 but the informant gave his statement on 18.11.2018. Only specific allegation of assault is made against Prakash Prasad (petitioner no.3), who is said to have assaulted the informant on the order of Santosh Prasad (petitioner no.1) with daab on his head but the injury on the head of the informant is simple in nature caused by hard and blunt substance. There is no repetition of blow. The occurrence took place due to land dispute.

Having considered the facts aforesaid and the fact that the occurrence took place on account of land dispute in which the informant got simple injury and the informant lodged the case after four days of the alleged occurrence, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate VI,
Siwan in connection with Daraunda P.S. Case No.236 of 2018,
subject to the conditions as laid down under Section 438 (2) of
the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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