

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63989 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

=====

Mithun Kumar @ Chandan Kumar Singh, S/o Gauri Singh, Resident of
Village-Bakan, P.S. Phesar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Sri Asharaf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 11-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail in a
case registered for the offences punishable under Sections 341,
447, 504, 323, 308 and 324/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Subhash
Kumar recorded by S.I. Md. Talha of Aurangabad Town P.S. is
to the effect that on 24.01.2018 at 7.00 P.M. the informant was
sitting at his door, in the meantime, the accused persons
including the petitioner came and started abusing. On protest
being made, the accused persons caught hold of the informant. It



is alleged against the petitioner that he assaulted with Farsa on the head of the informant and thereafter, other accused persons assaulted him with lathi.

It is submitted by learned counsel for the petitioner that the accusation of assault has been levelled in the background of land dispute and there is no accusation of repeating the blow, hence, the case does not come within the purview of Section 307 of the IPC, though, the case has been registered under Section 308 of the IPC. It is further submitted that the petitioner is languishing in custody since 17.05.2018 and a statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the earlier rejection order dated 24.07.2018 passed in Cr. Misc. No. 39146 of 2018 reflects that the injury was found grievous.

Considering the fact that there is no accusation of repeating the blow and the period under custody, coupled with the statement made in paragraph 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 Chief Judicial Magistrate,



Aurangabad in connection with Aurangabad Town P.S. Case No.
33 of 2018.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

