

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79045 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- RAJPUR District- Buxar

Moti Lal Singh @ Moti Lal Kamkar Son of Late Vishwanath Kamkar
Resident of Village - Bahuara, P.O.- Sisradh, P.S.- Rajpur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act in connection with Rajpur P.S.Case No.143 of 2019 pending in the Court of learned ACJM-III, Buxar.

In the occurrence of assault, the petitioner caused injury with fire arm at the right leg of the informant. Thereafter, co-accused Lalu Singh caused injury with *lathi* at the head of the informant.

Submission of learned counsel for the petitioner is that the High Court has already ordered for maintenance of status quo in a civil matter in respect of the land in question for



which the informant and others had gone to take forceful possession, therefore, right of private defence of the petitioner was there to protect his property. Moreover, the injury was caused at the leg, hence intention or knowledge to commit murder cannot be deduced and maximum the case of causing hurt by deadly weapon is made out. Since civil dispute was already going on between the parties and the Court had passed some order that no one was expected to go on the land unless the Court specifically authorizes the petitioner to protect the land, therefore, the act of the petitioner does not make out a case for grant of anticipatory bail to the petitioner. Hence, prayer for anticipatory bail is rejected.

In the event of surrender of the petitioner for regular bail, the court below shall consider the same without being prejudiced by this order.

(Birendra Kumar, J)

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