

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10799 of 2020

Arising Out of PS. Case No.-471 Year-2019 Thana- MADHAURAH District- Saran

Ashok Singh @ Ashok Kumar, aged about 40 years, sex – male, son of Late Brahmanand Singh, resident of Village - Bahu Aarapatti, P.S.- Marhaura, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mrs. Nirmala Kumari , A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-07-2020 Heard Mr. Yugal Kishore, learned counsel for the petitioner and Mrs. Nirmala Kumari, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Marhaura P.S. Case No. 471 of 2019 registered for the offence punishable under Section 341, 323, 325, 307, 379/34 of the I.P.C.

The allegation against the petitioner is that the petitioner along with other accused persons entered into the cow-shed of the informant, abused and assaulted the informant by means of *daab* (sharp cutting weapon) on his head, arm and feet.

Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged. Learned counsel further submits that both the parties are agnates and there is land dispute between them. Learned counsel further submits that there is case and counter case inasmuch as the wife of the petitioner has also lodged Marhaura P.S. Case No. 461 of 2019 for an occurrence which had taken place on the same date. Learned counsel further submits that the F.I.R. lodged by side of the petitioner is prior in time to the present F.I.R.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation of assault upon the petitioner who caused injuries to the informant on his head, arm, leg etc. Learned counsel referring to the injury report mentioned in the case diary submits that doctor has found grievous injuries on right leg of the informant caused by hard and blunt substances.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are agnates, there is land dispute between them, there is case and counter case, the case lodged by the side of the petitioner is prior to the present case and the injuries, if any, caused by hard and blunt substance is not on the vital part of the body, I am



inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory 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, Saran at Chapra / concerned court in connection with Marhaura P.S. Case No. 471 of 2019 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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