

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15710 of 2021**

Arising Out of PS. Case No.-27 Year-2020 Thana- RAUTARA District- Katihar

LUTFUR @ MD. LUTFUR S/O MD. YASEEN R/O VILLAGE-DANIPUR,
P.S-RAUTARA, DISTRICT-KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code.

As per allegations in the FIR, over a dispute relating to irrigation of land it is stated that the five named accused persons including the petitioner herein started to assault the husband of the informant. It is further stated that the petitioner assaulted the husband of the informant with a spade ('kudal') causing head injury.

It is submitted by learned senior counsel appearing for the petitioner that the allegations as levelled in the FIR are false and incorrect. Even as per the narration in the FIR it would be



evident that the occurrence has taken place on a sudden provocation as a result of dispute over irrigation. The petitioner is in custody since 7.1.2020 and investigation in the case has concluded. It is lastly submitted by learned senior counsel for the petitioner that the injuries have been found to be caused by hard and blunt substance.

Heard learned APP for the State.

Having heard learned counsel for the parties and on perusal of the record it transpires that the allegation of the petitioner having given a blow on the head of the husband of the informant is supported from the injury report wherein the informant's husband is said to have sustained fracture of the skull and which has been opined to be grievous in nature. In the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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