

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37714 of 2021**

Arising Out of PS. Case No.-102 Year-2007 Thana- SHAMBHUGANJ District- Banka

Litiliya Singh @ Nikhil Singh Son of Barun Singh @ Barun Kumar Singh
Resident of Village - Pakariya, P.S. Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 09-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Shambhuganj P.S. Case No. 102 of 2007 instituted for the offences under Section 307 of the Indian Penal Code but cognizance came to be taken under Section 341, 324, 326 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 04.11.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant Bipin Kumar Yadav was going home with his oxen after ploughing the field of one Muko Singh. It is



further alleged that the ox strayed and went in the field of the petitioner and started grazing upon which the petitioner came and started abusing and assaulting the informant. Further, it is alleged that the informant was assaulted by spade as a result of which he fell down sustaining injury on his head.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged it would manifest that the occurrence took place on a very trivial issue that the ox of the informant strayed in the field of the petitioner and started grazing which was objected by the petitioner and as a result, the occurrence took place. Learned counsel submits that the assault was not intentional rather in fit of anger the petitioner assaulted the informant causing injury on his head which is said to be grievous in nature. Learned counsel further submits that petitioner is a person with clean antecedent and is a young man of 34 years and is not a criminal and the occurrence took place in the heat of the moment.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that there is a direct allegation against this petitioner of assault causing injury to the informant.

Considering the fact that the petitioner is in custody



since 04.11.2020, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the occurrence took place on account of the fact that the ox of the informant strayed and started grazing the field of the petitioner and the petitioner not being a criminal is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 102 of 2007 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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