

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8413 of 2021

Arising Out of PS. Case No.-90 Year-2019 Thana- MIRGANJ District- Gopalganj

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Uma Shanker Singh, male, aged about 39 years, Son of Late Ramayan Singh,
Resident of Village- Tarauchak, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv.

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 17-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Mirganj P.S. Case No. 90 of 2019, dated 15.04.2019, instituted for the offences under Sections 341, 323, 354, 307, 379 and 504/34 of the Indian Penal Code.

The accusation against the petitioner is of having assaulted the informant with a hard and blunt substance



which had led to fracture of her hand. Initially, the injury was found to be in the nature of swelling but later with the X-ray report, it was found that there was a fracture in the hand of the informant.

It has been submitted on behalf of the petitioner that there is a counter version of the occurrence in which two of the persons from the side of the petitioner have been injured. It has further been submitted that there is no explanation of the injury on such accused persons in the subject F.I.R., which makes the accusation in the F.I.R. highly doubtful.

Apart from this, it has been submitted that an attempt has been made by the prosecution side to encroach upon the land which was under dispute and the petitioner and others have staked their claim over such land. In the process, there was a fight between both the sides, but there was no intention to cause any bodily injury to any one of the injured persons with the intent of killing them. It has also been submitted that the accusation has been overly exaggerated.



Regard being had to the background facts and the nature of accusation against the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Gopalganj in connection with Mirganj P.S. Case No. 90 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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