

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2764 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- DUMRA District- Sitamarhi

Malay Kumar, Son Of Arun Kumar Singh R/O Village- Mazamgarh, P.S.-
Dumra, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Ms. Sharda Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 354-B, 504, 325/ 34 and 307 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case under Section 498A of the
I.P.C. and the informant alleges that on 27.09.2021, she got
information that her land is being barricaded upon which, she
went there and found that the accused persons were barricading
the land on which, she protested. Thereafter, it is alleged that
Arun Singh abused her and torn her cloths, when Malay Kumar
and Mahesh came with an iron rod and assaulted on her head,
but the informant managed to save herself, but got hit on her left



shoulder and when her husband came to rescue her, the accused persons tried to burn him by sprinkling kerosene oil, but on arrival of villagers, the accused persons fled away. Thereafter, the informant was taken to Primary Health Centre.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation, it would manifest that the occurrence took place on account of land dispute. It is next submitted that the petitioner and the informant are agnates and are having long standing civil dispute one of them is Mutation Appeal No.71 of 2021-22. It is next alleged that in fact, from the side of the informant, the assault was made on account of which, Dumra P. S. Case No.367 of 2021 was instituted from the side of the informant in which, the father, mother and other relatives of the petitioner received serious injuries. It is next submitted that though there is allegation of assault on shoulder of the informant, but there is no injury report. It is also submitted that from the side of the petitioner, an application has been filed for constituting a medical board as there is no injury report of the informant from the Sadar Hospital, Sitamarhi when admittedly, she was referred from Primary Health Centre to Sadar Hospital, Sitamarhi. It is also



submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the allegation of assault is non-vital part of the body.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dumra P. S. Case No.366 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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