

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79351 of 2023

Arising Out of PS. Case No.-177 Year-2014 Thana- SANGRAMPUR District- East
Champaran

Ashok Sah @ Ashok Kumar Gupta, Son of Kodai Sah R/o vill - Barwa, P.S. -
Sangrampur, Distt. - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Sangrampur P.S. Case No. 177 of 2014 registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 380, 504/34 of the Indian Penal Code. He has one criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioner is to assault the informant and others by means of lathi, spade, farsa etc. causing head and bodily injury having intention to cause their death where occurrence took place due to land dispute.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner falsely implicated with the present case out of land dispute. It is submitted that allegation as to commit assault to informant and others is appearing general and omnibus *qua* petitioner and, moreover, the nature of injury is appearing simple in nature caused by hard and blunt substance. It is submitted that type of injury is abrasion and laceration which cannot be caused by a sharp edged weapon as alleged through F.I.R. it is submitted that even the injury report suggests that injuries appears caused by hard and blunt substance, negating *prima-facie* allegations on it's face as raised through F.I.R. *qua* petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as injury, as alleged, is simple in nature, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 177 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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