

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1240 of 2024

Arising Out of PS. Case No.-866 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Shivam Kumar @ Shivam Kumar Dubey Son of Ram Pukar Dubey Resident
of Village- Phulwar Chitaha, P.S.- Banjariya, District- East Champaran, Pin
Code 845431.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyam Sundar Kumar

For the Opposite Party/s : Ms.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-02-2024

Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 323, 354, 307, 379, 504, 34 of the Indian Penal Code.

3. As per F.I.R., this petitioner is alleged to have assaulted the daughter of informant by means of Hockey stick, while she had gone to *Gawas* (cow-shed) to collect some things, as a result of which, she sustained injury on her shoulder and teeth.

4. It is submitted on behalf of petitioner that both parties are co-villagers and next door neighbour and long standing land dispute is going on between the parties, due to which, a simple scuffle took place, in which, informant's daughter sustained injury. It is further submitted that Section



307 of the I.P.C. is not applicable in this case, since there is no repetition of blow and there is no intervening circumstances in this case. As per injury report, most of the injuries have been found to be simple in nature, except injury no. 3 i.e. *loosening and pain of upper internal incise tooth*. Petitioner has got clean antecedent.

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

6. Considering the backdrop in which alleged occurrence took place between the parties and clean antecedent of petitioner, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 866 of 2023, G.R. No. 4964 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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