

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43733 of 2017

Arising Out of PS.Case No. -158 Year- 2016 Thana -NARHAT District- NAWADA

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1. Abhay Kumar @ Rajiv Kumar, S/o Myurdhawj Singh
2. Mithilesh Kumar, Son of Myurdhawj Singh Both Resident of Village-
Khanwan, P.S.-Narhat, District-Nawada Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar, Adv.
For the Opposite Party : Mr. Chaubey Jawahar, APP 158

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 21-09-2017 Heard both sides.

The learned counsel for the petitioners submits that petitioner no. 1, Abhay Kumar @ Rajiv Kumar, has already been arrested.

Accordingly the prayer for anticipatory bail on his behalf is dismissed as become infructuous.

The petitioner apprehends his arrest in Narhat P.S. Case No. 158 of 2016 under Section 307 and other sections of the Indian Penal Code.

The informant, Shantanu Kumar, named the petitioner, his father and brothers alleging that when he was taking his tractor, the accused persons stopped him and Mayurdhwan Singh assaulted his uncle with farsa on his head, which hit on the nose. The petitioner is alleged to have assaulted with knife on cheek.

The learned counsel for the petitioner submits that there is a counter version, being Narhat P.S. Case No. 162 of 2016. The petitioner and his family members got injuries at the hands of the informant and others.



It appears that the father and brother of the petitioner have already been granted anticipatory bail vide order, dated 07.08.2017, passed in Cr. Misc. No. 9120 of 2017 and the case of the petitioner stands on better footing. Dhananjay Kumar got one incised wound, but, the injury is superficial and simple in nature.

Considering the fact that there is case and counter case on account of land dispute, members of both sides entered into free fight causing injury to the persons of both the sides, let the petitioner no. 2, Mithilesh Kumar, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Narhat P.S. Case No. 158 of 2016** to the satisfaction of the **Additional Chief Judicial Magistrate, III, Nawadah**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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