

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17178 of 2017

Arising Out of PS.Case No. -22 Year- 2014 Thana -BUNIADGANJ District- GAYA

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Shiv Nandan Das, son of Late Ramchandra Das, Resident of Village - Barhi Bigha, Police Station - Chandauti, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 13-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Buniyadganj P.S. Case No.22 of 2014 registered under Sections 341, 323, 364 and 504/34 of the Indian Penal Code, pending in the court of Smt. Kumari Vijaya, Judicial Magistrate, First Class, Gaya.

The accusation is that on 09.03.2014 at about 07.00 P.M., the informant Basant Das and his neighbour Dinesh Das were returning for their village-Barhi Bigha from village-Manpur after doing the work of mason. When they reached near village-Barki Pain Khidarpura then 20 persons started to cause assault them.



When they made protest, they took away Dinesh Das. The informant claimed to identify Sanjay Das, Dularchand Das, Vijay Das, Shiv Nandan Das (petitioner) and Birendra Das amongst them. Further case is that both parties are in relation and there is land dispute in between them.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is cousin in relation of the victim Dinesh Das and it would appear from the F.I.R. that there is land dispute in between the parties, due to that reason, the petitioner and others have falsely been implicated in this case.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of anticipatory bail with the submission that the petitioner and four others amongst 20 persons were indulged in causing assault to the informant and Dinesh Das and taking away Dinesh Sah. The petitioner and four others were identified by the informant at the time of occurrence. The case diary, which is upto paragraph-84 till 31.10.2014, does not disclose about the recovery of the victim Dinesh Das.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However,



the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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