

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40572 of 2019

Arising Out of PS. Case No.-827 Year-2017 Thana- KHAGARIA District- Khagaria

SUMIT KUMAR Son of Ram Sagar Yadav Resident of Village-
Kumarchakki, P.S.- Mufassil, District- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur Ms. Babita Kumari
For the Opposite Party State:		Mr. Zainul Abedin
For the Informant	:	Mr. Praveen Kumar Agrawal Mr. Bipin Kumar @ Deo

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-07-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Khagaria (Mufassil) P.S. Case No. 827 of 2017 for the offence punishable under Sections 147, 149, 341, 323, 307, 504 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner, has submitted that for the same occurrence, present case and a counter case have been registered. In the counter case, the persons, who are named in the present First Information Report accused, are said to have received injuries and the informant of the present case has been implicated as an accused. He has drawn my attention to the order passed by this Court dated 28.05.2019 in Cr. Misc. No.



34750 of 2019, whereby three other co-accused persons have been allowed privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant has submitted that considering the grievous nature of injuries received by the informant, the petitioner does not deserve the privilege of anticipatory bail.

However, considering the facts indicated above, I am of the view that a case for grant of anticipatory bail is made out.

This application is accordingly allowed.

Before I part with the present order, I must indicate that it is evident from the case and counter case that land dispute is the reason behind the occurrence and, in such circumstances, Mr. Thakur, learned counsel appearing on behalf of the petitioner, has stated that if any application for anticipatory bail is filed on behalf of the persons named in the counter case, their prayer for anticipatory bail shall not be opposed by the informant of the case.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned S.D.J.M., Khagariya, in Khagaria (Mufassil) P.S. Case No. 827 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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