

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42904 of 2019

Arising Out of PS. Case No.-203 Year-2018 Thana- BAUNSI District- Banka

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Kush Manjhi @ Kush Kumar Manjhi, son of Vijay Manjhi Resident of
Village - Jhapaniya, P.S.- Bounsi, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bounsi P.S. Case No.203 of 2018 for the offence punishable
under Sections 341, 323, 307, 504 and 34 of the Indian Penal
Code.

The allegation against the petitioner is that the
petitioner along with other accused persons abused and
assaulted the brother of the informant, namely, Gautam Manjhi
and Anti Manjhi by lathi.

Learned counsel for the petitioner submits that there is
a case and counter case and the side of the petitioner, i.e.,
brother of the petitioner has lodged first Information report
bearing Bounsi P.S. Case No. 202 of 2018 against four accused



persons from the prosecution side.

Learned counsel for the petitioner further submits that petitioner has also received injuries due to assault made by side of the prosecution. Learned counsel also submits that both the parties are agnates and there is admitted land dispute between them and the FIR lodged by the petitioner's side is prior in time to the FIR lodged by the prosecution. Learned counsel also submits that injuries caused to the persons upon Gautam Kumar is simple in nature and not on the vital part of the body and first injury on the left fore arm which has been found tendered by doctor and injury caused to Banti Kumar only Abrasion of occipital region.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are agnates having land dispute and there is case and counter case and case filed by the side of the petitioner is prior in time to the FIR lodged against him and injuries are simple in nature and not on the vital part of the body, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks



and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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