

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52600 of 2019

Arising Out of PS. Case No.-199 Year-2019 Thana- BIHIA District- Bhojpur

1. Dhanji Sah, Son of Radhe Shyam Sah Resident of Village-Teghara, P.S.-Bihiya, District-Bhojpur.
2. Raj Nath Sah, Son of Radhe Shyam Sah Resident of Village-Teghara, P.S.-Bihiya, District-Bhojpur.
3. Lilu Sah @ Tilu Sah, Son of Hare Ram Sah Resident of Village-Teghara, P.S.-Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Bihiya P.S. Case No.199 of 2019 for the offence punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

The allegation against the petitioners is that petitioner No.1 assaulted the informant with lathi, danda and rod and petitioner No.2 and 3 along with others assaulted the brother and nephew of the informant by means of lathi, rod on his head. It has further been alleged that petitioner No.2 snatched



Rs.5000/- from the pocket of the informant.

Learned counsel for the petitioners submits that both the parties are agnates and there is admitted land dispute between them inasmuch as the proceeding under Section 145 Cr.P.C. is going on between them before the Court of S.D.J.M., Jagdishpur, Bhojpur in Case No.92 of 2017. Learned counsel further submits that there is case and counter case between the parties for the same incident and the side of the petitioners have also lodged Bihiya P.S. Case No.198 of 2019 which is prior in time to the FIR lodged by the informant. Learned counsel further submits that both sides have received injuries and relied upon Annexure-4 series in support of his submission. Learned counsel further relies upon Anneuxre-3 series which are the injury report of the side of the petitioners and from perusal thereof, he submits that injuries caused to side of the informant are simple in nature.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are agnates and there are admitted land dispute between them and there is a case and counter case and case lodged by the side of the petitioner is prior in time and the injury caused to the informant and others are simple in nature, as such, I am inclined



to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, 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 Chief Judicial Magistrate, Bhojhpur at Ara, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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