

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53445 of 2019

Arising Out of PS. Case No.-172 Year-2019 Thana- MASHRAK District- Saran

1. Pankaj Kumar @ Pankaj Kumar Singh @ Pankaj Singh, aged about 30 years, male, S/o Late Anil Singh R/o village- Kawalpura, P.S.- Mashrak, District- Saran at Chapra.
2. Sumit Singh @ Sumit Kumar Singh @ Kallu aged about 22 years, male, S/o Rabindra Singh R/o village- Kawalpura, P.S.- Mashrak, District- Saran at Chapra
3. Vishal Kumar Singh @ Vishal Kumar, aged about 25 years, male, S/o Biresh Singh R/o village- Kawalpura, P.S.- Mashrak, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Mashrak P.S. Case No. 172 of 2019 registered under sections 147, 148, 448, 149, 341, 323, 307, 504, 506 of the IPC.

The allegation against the petitioners, as per the first information report, is that petitioners along with other accused persons entered into the house of the informant and assaulted the informant, father of the informant as well as his uncle by means of lathi, danda.

Mr. Radha Mohan Singh, learned counsel appearing for



the petitioners submits that petitioners as well as side of prosecution are co-sharers and there is land dispute between them. Learned counsel further submits that for the same incident Mashrak P.S. Case No. 173 of 2019 has been lodged by the side of the petitioners. Learned counsel for the petitioners submits that there was free fight between the parties and both sides have received injury. Learned counsel relied upon Annexure-5 which is the injury report of the victims and submits that all the injuries caused to the victims are minor in nature, inasmuch as doctor has reserved opinion regarding the same. Learned counsel further relying upon Annexure-4, which is the injury report of the persons from the side of the petitioners and submits that injury caused to the side of the petitioners are grievous as well as simple. Learned counsel relying upon order dated 04.07.2019 passed by A.D.J.-II, Saran, Chapra submits that the side of prosecution has been granted anticipatory bail by the lower Court in ABP No. 1581 of 2019.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are co-sharers and there is an admitted land dispute between them and there is a case and counter case between the parties and both sides received injuries and injury caused to the victims are not



serious in nature, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 6th, Saran at Chapra in connection with Mashrak P.S. Case No. 172 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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