

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58365 of 2019

Arising Out of PS. Case No.-2619 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Om Prakash Pandey, aged about 29 years (M), S/o Late Jamuna Pandey @ Yamuna Pandey, R/o village- Puchchariya, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devlal Mahto, aged about 60 years (M), S/o Late Rudal Mahto, R/o village- Puchchariya, P.S.- Sangrampur, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Amarendra Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Complaint Case No. C-2619 of 2018 in which cognizance has been taken against the petitioner and others.

The allegation against the petitioner, as per the complaint, is that when the complainant objected to the cutting of bamboo from the homestead land of the complainant, the petitioner along with other accused persons assaulted the complainant by means of lathi due to which the complainant was admitted in the hospital for his treatment. It has further been alleged that the accused persons on the same date at about 10 PM entered into the house of the complainant and committed theft of cash of Rs. 5000/-, utensils, grains etc.



Mr. Umesh Chandra Verma, learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated on the basis of malafide complaint lodged by the complainant. Learned counsel further submits that the present complaint has been lodged after lapse of 39 days and there is a land dispute between the parties inasmuch as proceeding under Section 145 Cr.P.C is going on between the petitioner and the complainant. Learned counsel further submits that from perusal of the complaint and other material, it would be evident that cognizance has been taken by the learned Magistrate on the basis of prima facie case under Section 461, 380, 323, 341 against the petitioner and others. Learned counsel further submits that on the basis of injury received by the complainant, case under Section 325 IPC is made out against the petitioner.

On the other hand, Mr. Vijay Kumar, learned counsel appearing for the complainant vehemently opposes the prayer of anticipatory bail and submits that the petitioner along with other accused persons with an intention to kill the complainant assaulted him by means of lathi causing him fracture in his left hand and ankle of his both legs.

After having heard learned counsel for the parties and taking into consideration the fact that there is a land dispute between the parties and the complaint has been lodged after a lapse of about 39 days, 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Complaint Case No. C-2619 subject to the conditions as mentioned under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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