

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65230 of 2019

Arising Out of PS. Case No.-407 Year-2019 Thana- KHAGARIA District- Khagaria

1. DHARMENDRA SINGH @ DHARMENDRA KUMAR S/o Sikendra Singh Resident of Village- Bhadas Uttari, P.S.- Muffasil, District- Khagaria.
2. Jawahar Singh @ Jawahar Prasad Singh S/o Sikendra Singh Resident of Village- Bhadas Uttari, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the Opposite Party/s	:	Mr.Umanath Mishra
For the informant	:	Mr. Amresh Kumar Sinha
		Mr. Anil Kumar Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-11-2019 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khagaria (Mufassil) Police Station Case No. 407 of 2019, disclosing offences under Sections 341/323/324/307/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other accused persons, assaulted the informant and his family members.

Learned Counsel for the petitioners submits that both the parties are agnates and there is land dispute between them.



He further submits that there is case and counter case inasmuch as Khagaria (Mufassil) Police Station Case No. 406 of 2019 has been lodged by the side of the petitioners against the informant and others. He, referring to Annexure-3 series, submits that the injuries caused to the victims have been found to be simple in nature except the injury caused to one Pinku Kumar Singh, which has been opined by the doctor as grievous injury, by blunt object. He further submits that the injury report of said Pinku Kumar Singh has been prepared by the private doctor; whereas injury reports of other victims have been prepared by Government doctors.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioners, along with other accused persons, assaulted the informant and others and altogether five persons got injuries.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates and there is case and counter case between them, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Mufassil) Police Station Case No. 407 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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