

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19600 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

RANVEER KUMAR SINHA @ RAJESH KUMAR Son of Ishwar Dayal
Mahto Resident of Village - Sipah, P.S.- Deepnagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
For the State	:	Mr. Tapeswar Sharma
For the Informant	:	P. K. Shahi, Sr. advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-09-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel for the petitioner, the learned APP and Mr. P. K. Shahi, the learned senior counsel for the informant.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Laheri P.S. case No. 38/2020 registered under Section 147, 149, 447, 341, 323, 307, 379, 506, 504 of the IPC.

The informant alleged that the accused persons were making construction on the land of Khata No. 11, Khesra No. 264 area 6 decimal which is Gairmazarua land. When the informant objected the accused persons abused and assaulted the informant with Belcha and iron rod. The informant got injury on his head. The informant further alleged that Rajesh Kumar, the petitioner, instigated other accused persons. Inshwar Dayal Mahto snatched his mobile phone.

The learned counsel for the petitioner submits that there is counter version being Laheri PS case No. 39 of 2020. The informant of Laheri PS case No. 39/2020 alleged that other



side was making construction over the raiyati land of the informant. It is further submitted that informant of Laheri PS case No. 38/2020 was encroaching upon the land of the petitioner and for that some altercation took place. The petitioner and his father was brutally assaulted by the informant who were treated in different hospitals. It is further submitted that municipal authorities found that the disputed land belonged to the petitioner. The injuries found on the head of informant are simple in nature but since he is a doctor the doctor opined that both injuries are grievous in nature. The petitioner is not the assailant of the informant.

The learned APP and the learned senior counsel for the informant vehemently opposed the prayer for anticipatory bail.

Mr. P. K. Shahi, the learned senior counsel, submits that it was the petitioner who was instigating other accused persons for assaulting the informant. The informant got grievous injuries on his head.

It appears from perusal of FIR of Laheri P.S. case Nos. 38/2020 and 39 of 2020 that the occurrence took place due to land dispute. The informant of the present case made allegation that petitioner had encroached upon the land whereas the petitioner and his side made allegation against informant of the present case that he was making construction on the raiyati land of the petitioner for which both sides entered into scuffle but there is no allegation of assault against the petitioner. The occurrence took place due to land dispute and the municipal authorities found that petitioner is owner of the land.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that petitioner



is not the assailant, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri P.S. case No. 38 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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