

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26354 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- GORIAKOTHI District- Siwan

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1. AMRENDRA KUMAR Son of Krishna Dubey Resident of Village - Goreakothi, P.S.- Goreakothi, District - Siwan, Bihar
 2. Manish Kumar @ Aditya Ranjan Son of Krishna Dubey Male 20 years, Resident of Village - Goreakothi, P.S.- Goreakothi, District - Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Adv.

For the Opposite Party/s : Mr. Umesha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 09-12-2020 Heard Mr. Mukesh Kant, learned counsel for the petitioners, Mr. Naresh Prasad, learned counsel for the informant and Mr. Umesha Nand Pandit, Additional Public Prosecutor for the state through video conferencing.

2. Learned counsel for the petitioners submits that during pendency of this application, petitioner no.1. AMRENDRA KUMAR has been arrested. As such, this application for anticipatory bail filed on his behalf has become infructuous. Accordingly, learned counsel for the petitioners seeks permission to withdraw the instant application against petitioner no. 1. AMRENDRA KUMAR.

3. Permission is accorded. The application for anticipatory bail filed by petitioner no. 1. AMRENDRA KUMAR stands dismissed as withdrawn.

4. The remaining petitioner no. 2 apprehends his arrest in



connection with Goreakothi PS Case No. 210/2019 registered for the offence punishable under Sections 341, 323, 307, 324, 325, 308/34 of the IPC.

5. The allegation, as per First Information Report, is that the petitioner assaulted informant, his brother and the son of informant by means of Lathi, Danda etc.

6. Learned counsel for the petitioners submits that both the parties are co-villagers and there is land dispute between them. Learned counsel further submits that a counter case has also been lodged by the petitioner by way of complaint against the informant and others on 31.01.2020. Learned counsel, referring to the injury report which has been filed by way of supplementary affidavit, submits that all the injuries, caused to the victims, have been found to be simple in nature except one injury, on the fore-arm of one Prabhunath Prasad, has been found grievous in nature which is not on the vital part of the body.

7. On the other hand, learned counsel for the informant, vehemently, opposed the prayer for anticipatory bail of the petitioner no.2 and submits that all the accused persons including petitioner no.2 have assaulted the informant, his son and his brother and three persons have received injuries and one injury received by one Prabhunath Prasad is grievous in nature. Learned counsel further submits that the occurrence took place on 15.12.2019 but the counter case by way of complaint has been filed by the side of the petitioners



after a considerable delay i.e., on 31.01.2020.

8. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that both the parties are co-villagers and there is a land dispute between them and all the injuries caused to the victims are simple in nature except one grievous injury, caused to Prabhunath Prasad on his forearm which is a non vital part of the body, I am inclined to grant anticipatory bail to the petitioner no.2.

9. Accordingly, petitioner no. 2, namely, MANISH KUMAR @ ADITYA RANJAN shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Goreakothi PS Case No. 210/2019, subject to the conditions as laid down under Section 438(2) CrPC.

10. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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