

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29500 of 2020

Arising Out of PS. Case No.-208 Year-2017 Thana- NAANPUR District- Sitamarhi

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KISHAN DAS S/o Sonafi Das R/o Village- Gauri, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jai Narayan Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2020 Heard Mr. Alok Kumar Jha, learned counsel for the petitioner and Mr. Jai Narayan Thakur, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Nanpur P.S. Case No. 208 of 2017 registered for the offences punishable under Sections 504, 506, 447, 341, 323, 324 and 354/34 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that the petitioner along with other co-accused persons armed with *lathi*, *danda*, *iron rod* etc. entered the house of the informant and assaulted him as well as his family members and also outraged the modesty of mother of the informant and took away Rs.50,000/- from the box and other articles.



Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and there is case and counter case between the parties inasmuch as by the side of the petitioner, Nanpur P.S. Case No. 212 of 2017 has been lodged for an occurrence which has taken place on the same date and time. Learned counsel further submits that both the parties are agnates and there is land dispute between them. Learned counsel also submits that from perusal of the First Information Report it would be evident that petitioner assaulted relative of the informant namely, Neelam Devi by his legs. Learned counsel next submits that petitioner was given benefit of Section 41A of Cr. P.C. and no personal bail bond was submitted by the petitioner before the Police.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that both the parties are agnates, there is land dispute between them and no injury report allegedly caused by the petitioner to the victim has been brought on record by the Prosecution, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Nanpur P.S. Case No. 208 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Anil Kumar Sinha, J)

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