

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63288 of 2019

Arising Out of PS. Case No.-291 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Shankar Kushwaha @ Shankar Kumar Kushwaha @ Shankar Kumar Biswas,
S/o Nebi Lal Bishwas, R/o village- Kochaili, Purnea, Barsauni, P.S.- Dagurwa
Barsauni, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-03-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with K. Hat (Sahayak) P.S. Case no. 291 of 2019 registered for the offence(s) punishable under sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

As per the allegation in the F.I.R., as a result of land dispute between the informant and the other party, it is stated that the panchayati was held where the accused persons were bent upon abusing and intending to beat up the informant. It is stated that the accused persons caught hold of the informant, beat him up and started to take him away. It is further stated that the petitioner along with 25-30 other persons came there and the petitioner struck the informant with an iron rod on his head



while Nilu Singh Patel struck him on his head with a lathi. Further, allegation is made against Ritesh Kumar @ Guddu besides others. It is finally stated that they also took away Rs. 5,000/- in cash as also the informant's gold chain.

It is submitted by learned counsel for the petitioner that admittedly there was land dispute between the parties and for the same occurrence about 6 F.I.Rs were registered by different parties, one of them having been filed by a police personnel which has been brought on record as Annexure- 2 to this petition. Referring to the F.I.R. at Annexure- 2, it is submitted that it was Nilu Singh Patel who gave information to the police about unsocial elements having been caught and it is stated in the said F.I.R. that on the police reaching, they saw that the villagers who had gathered there were beating up the persons who had been caught by them. It is stated by the police that they somehow rescued the persons who were being beaten up, from the mob of about 100-150 persons. The mob was acting in a violent manner and destroyed the Bolero vehicle as also had set a motorcycle on fire. It is thus submitted that the occurrence has taken place not in the manner as alleged in the F.I.R. in which the instant application has been filed, but in the manner as stated in the F.I.R. lodged by the police. It is further submitted that



from the F.I.R. lodged by the police, neither the petitioner has been named as an accused there nor Sushant Kushwaha and Ritesh Kumar have been made accused there. It is submitted that said Ritesh Kumar @ Guddu has been enlarged on bail vide order dated 09.12.2019 passed in Criminal Misc. no. 73164 of 2019.

Having heard learned counsel for the parties and in the facts and circumstances of the case, taking into consideration the nature of allegations together with the contents of the F.I.R. as contained in Annexure- 2 as also grant of bail to the co-accused Ritesh Kumar, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with K. Hat (Sahayak) P.S. Case no. 291 of 2019, he will be enlarged on bail on 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, Purnea, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Ankit/-

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