

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65935 of 2019**

Arising Out of PS. Case No.-47 Year-2019 Thana- PHULWARIYA District- Gopalganj

Chandan Rai @ Chandan Kumar Rai (male), aged about 18 years, Son of Sunil Rai, Resident of Village- Bansibatarha, P.S.- Phulwariya Sripur (OP), District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate

For the Opposite Party/s : Mr. Ayush Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 05-03-2020 Heard Mr. Y.C. Verma, learned senior counsel for the petitioner and Mr. Ayush Kumar, learned counsel appearing for the informant.

The petitioner apprehends his arrest in connection with Phulwariya P.S. Case No. 47 of 2019, registered for the offence punishable under Sections 147, 149, 323, 324, 307 & 379 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

The allegation against the petitioner as per the First Information Report is that due to land dispute between the parties, the petitioner along with other accused persons assaulted the father of the informant indiscriminately.

Mr. Y.C. Verma, learned senior counsel appearing for



the petitioner submits that both the parties are co-villagers and there is land dispute between them inasmuch as there is case and counter case between the parties and the side of the petitioner has also lodged Phulwariya P.S. Case No. 50 of 2019. Learned senior counsel further submits that both the sides have received injuries. Learned senior counsel referring to paragraph no. 30 of the case diary submits that the father of the informant namely, Manoj Kumar Rai has received simple injuries as per the opinion of the doctor.

On the other hand, Mr. Ayush Kumar, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that the accused persons with common intention assaulted the father of the informant indiscriminately causing him injuries and the petitioner does not deserve the privilege of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the fact that both the parties are co-villagers, there is land dispute between them and the injuries caused to the father of the informant are simple in nature, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within



four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Phulwariya P.S. Case No. 47 of 2019 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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