

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25063 of 2021

Arising Out of PS. Case No.-277 Year-2019 Thana- KHAGARIA District- Khagaria

BINOD SAH @ BINOD SAW, Son of Balkeshwar Sah Resident of Village -
Rani Sakarpura, P.S. - Khagaria (Gangaur), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 28-07-2021 Heard Mr. Anil Kumar Chaudhary, learned

counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Khagaria (Gangaur) P. S. Case
No. 277 of 2019, dated 29.04.2019, instituted for the
offences under Sections 341, 448, 504, 506, 323, 337,
338, 307 and 34 of the Indian Penal Code.

Earlier, *vide* order dated 16.06.2020, passed in
Cr. Misc. No. 85629 of 2019, the prayer for
anticipatory bail of the petitioner was rejected.

However, learned counsel for the petitioner has
submitted that he has approached this Court again on



the ground that the occurrence took place because of construction of a boundary wall over a disputed plot of land and both sides have received injuries in the clash. The brother of the petitioner also has been seriously injured.

This Court did not grant anticipatory bail in the first instance even after taking into account the fact that the case was lodged after 17 days of the occurrence.

There is a counter version of the occurrence also.

All these grounds have been considered in the order dated 16.06.2020. No new ground has been raised on behalf of the petitioner to give a re-look at such order of rejection of anticipatory bail.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, all these grounds including that the parties have settled their differences and do not wish to prosecute each other, shall be taken into account



and an order shall be passed, without being prejudiced
by the fact that twice the prayer for anticipatory bail of
the petitioner has been rejected.

The petition stands disposed off.

(Ashutosh Kumar, J)

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