

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36310 of 2020**

Arising Out of PS. Case No.-30 Year-2020 Thana- HARPUR District- Munger

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Sunil Kumar @ Sunil Gupta Son of Late Ram Khelawan Tanti Resident of
Village- Modhodih, P.S.- Harpur, Distt- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 08-04-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Harpur PS case No. 30/2020 registered under Section 307, 379, 325, 324, 323, 504, 506, 147, 148, 149 of the IPC.

The informant alleged that while he was harvesting crops in his field Sunil Gupta, the petitioner, Bijay Tanti, Sikandar Tanti, Ravi Kumar Tanti, Priyanka Kumari, Hema Devi and Binita Devi, having armed with different weapons came. Sunil Gupta assaulted the informant with Lathi on his head and also broke his hand. The other accused persons were instigating. When his mother came to save, the accused persons assaulted her with different weapons and his mother was badly



injured. The accused persons snatched ornaments from the possession of his mother. The informant further alleged that on account of land dispute the occurrence took place. The Government Amin measured the land but the accused persons were not ready to settle the dispute on the basis of measurement done by the Govt. Amin.

The learned counsel for the petitioner submits that the occurrence is said to have taken place on 06.08.2020 but the FIR was lodged on 09.08.2020. There is three days of inordinate delay in lodging the case. There is counter version. Hema Devi, mother-in-law of the petitioner, lodged Harpur PS case No. 31/2020 on 09.08.2020. Hema Devi also alleged that the occurrence took place on 06.08.2020 and since she was under treatment she lodged the case on 09.08.2020. The learned counsel for the petitioner further submits that petitioner is not the author of injury found on the hand of the informant. The injury on head is simple in nature. On account of land dispute the occurrence took place and both sides got injuries. Brother of the informant brutally assaulted mother-in-law of the petitioner and she got grievous injuries, therefore, the petitioner deserves anticipatory bail.

The learned APP, however, opposed the prayer for



anticipatory bail.

From perusal of records, I find that the informant made specific allegation against the petitioner that it was the petitioner who assaulted him on his head and also broke his hand. There is no allegation against the informant that he assaulted the mother-in-law of the petitioner. Of course, there is land dispute between two sides but it is specific case that the land was measured by the Government Amin and petitioner and his side is aggressor who does not obey the possession of land on the basis of measurement done by the Government Amin

Taking into consideration the facts that petitioner assaulted the informant with Lathi on his head and hand causing fracture injury on his hand, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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