



engaged in constructing boundary wall on the land in question, which is alleged to be a Gairmajarua land, the informant had objected, whereupon the accused persons had abused and assaulted the informant with iron rod, resulting in him sustaining serious injuries. The informant has further alleged that the co-accused person namely Rajesh Kumar had instigated other persons and had also assaulted the informant resulting in him being injured seriously.

The learned counsel for the petitioner, Shri Ajay Kumar Thakur, has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the present case arises out of case and counter case and in fact, the petitioner and his family members had also been brutally assaulted by the informant. It is further submitted that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of specific overt act. Lastly, it is submitted that similarly situated co-accused person namely Jagdish Kumar Sinha has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.09.2020 passed in Cr. Misc. No. 19800 of 2020.

Mr. Anand Mohan Prasad Mehta, the learned APP appearing for  hemently opposed the prayer for

anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner has not been alleged to have engaged in any sort of specific overt act qua the informant herein and moreover, taking into account the fact that similarly situated co-accused person has already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No. 38 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

