

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6267 of 2022**

Arising Out of PS. Case No.-35 Year-2021 Thana- TANKUPPA District- Gaya

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JITENDAR SINGH @ JITENDAR PANDEY @ JITENDRA KAMALA
PANDEY Son of Kamala Singh R/O MOHALLA- MAHIYARPUR, P.S.-
TANKUPPA, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 504, 506/34, 325 and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that the petitioner forcefully
encroached his private land and got a house constructed and
after measurement it was found that petitioner was in possession
of 12 feet land of the informant on which a dispute arose and the
matter was taken to the Panchayati but there also the petitioner



did not agree to compensate and started abusing the informant which was protested on which it is alleged that petitioner assaulted him by lathi and when his son came to save him then Jyoti Kumari brought a rod and gave it to the petitioner to assault the son of the informant on which it is alleged that petitioner assaulted the son of the informant on his leg causing injury and thereafter Arunta Devi and Jyoti Kumari also assaulted the son of the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the FIR, it would manifest that informant alleged that petitioner got a house constructed by encroaching his private land. He, thus, submits that if petitioner had encroached the land of the informant forcefully then why the same was not objected when the house was under construction. He further submits that it was only after the house was constructed that a frivolous dispute was brought by the informant when admittedly petitioner has not made his house on the land of the informant. He next submits that even presuming what has been alleged is true without admitting the same for the purpose of anticipatory bail then the allegation of assault on the son of the informant by the petitioner is on non-



vital part of the body which clearly reflects that petitioner had no intention to commit a serious offence, though the injury is said to be grievous in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tankuppa P.S. Case No. 35 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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