

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38444 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- BAHERA District- Darbhanga

1. KAMLESH LAL DEV Son of Late Dev Narayan Lal Dev Resident of Village- Upardaha (Shivram), P.S.- Bahera, District- Darbhanga.
2. Kailash Lal Dev Son of Late Dev Narayan Lal Dev Resident of Village- Upardaha (Shivram), P.S.- Bahera, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

At the outset, learned counsel for the petitioner seeks permission to withdraw this anticipatory bail petition in respect of petitioner No. 2 Kailash Lal Dev.

Permission is accorded. The anticipatory bail petition in respect of petitioner No. 2 is dismissed as withdrawn.

The petitioner No. 1 apprehends his arrest in connection with Bahera P.S. Case No. 188 of 2020, registered



for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

As per allegation, the accused persons wanted to grab the land of the informant. Ten named accused persons including the petitioner came to the house of the informant and assaulted him. The allegation against petitioner No. 1 is that he assaulted him on his head.

Learned counsel for the petitioner has submitted that one injury sustained by the informant was found grievous but it was not attributed against petitioner No. 1 rather it was attributed against petitioner No. 2 and in his respect the anticipatory bail petition has been dismissed as withdrawn. He has also submitted that there is admittedly land dispute between the parties and also there is case and counter case. He has also submitted petitioner No. 1 is a person of clean antecedent.

Considering the above-mentioned facts and circumstances, the prayer for anticipatory bail in respect of petitioner No. 1 is allowed, as such, let him, in the event of his arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, Benipur, Darbhanga in connection with
Bahera P.S. Case No. 188 of 2020, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the
petitioners within the stipulated time provided in para-1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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