

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46896 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- HAYAGHAT District- Darbhanga

NARESH SAH Son of Late Aanand Lal Sah Resident of Village - Basdih, P.S.
- Hayaghat, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr.Rajesh Kumar, APP
For the Informant	:	Mr.Raj Shekhar, Adv.
		Mr.Kaushal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 379, 354(B), 504, 506 of the IPC.

The allegation against the petitioner is that on his order, accused Manish Kumar Sah assaulted the informant with farsa which caused injury on the head of the informant. It is alleged



that the informant's side has been assaulted indiscriminately by the accused persons on account of a land dispute.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Both sides are agnates. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Only allegation against the petitioner is that he is the order giver and the specific overt act is against Manish Kumar Sah. There is an admitted land dispute between the parties and for the alleged occurrence there is also a case and counter-case between the parties. Petitioner has two criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is an admitted land dispute between the parties and there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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
Hayaghat P.S. Case No.40 of 2021, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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