

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47102 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- BIHARIGANJ District- Madhepura

Suman Kumar @ Suman Kumar Yadav S/O Late Kailash Yadav R/O-
Kuwashthan, Ward No. 01, P.S.- Bihariganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 327, 307, 379, 504, 506 of Indian Penal Code and Section 27 of the Arms Act.

The informant of the aforesaid case informed S.H.O. Bihariganj through a written application that he while returning to his home was surrounded by Suman Kumar and his other three companions who started abusing and assaulting him. He further submits that Suman Kumar assaulted him by means of an iron rod on his head and Manish Kumar beat him with lathi which caused injury to him and back in the meantime time he



was further abused and given threat to his life by Mithlesh Paswan, who took out pistol from his waist and shot fire on him but somehow he got saved and the miscreants fled away seeing the public.

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 only on the basis of suspicion. There is an admitted land dispute between the parties. As such it is also submitted that there is no evidence of injury (injury report) to reflect the injury upon the informant using the iron rod. Injury no. 3 and 4 has been kept reserved, which is clear from the impugned order itself. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is a land dispute between the parties, 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 Bihariganj P.S. Case No. 72 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Shikha/-
ishika/-

U		T	
---	--	---	--

