

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48551 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- BELHAR District- Banka

DINESH SAH @ DINESH KUMAR Son of Late Brahmdeo Sah R/V- Belhar
Bazar, P.S- Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor and learned counsel for the
informant through video conferencing.

Petitioner seeks regular bail in connection with Belhar
PS Case No. 205/2022 registered for the offence punishable
under Sections 341, 323, 324, 325, 307, 504, 506/34 of the IPC.

The allegation as per First Information Report is that
the brother of the informant was looking after the work being
done at the land of the informant. In the meanwhile, four
persons arrived there, assaulted the informant's brother and
others. When one Dinesh Yadav, a friend of informant's brother
intervened, other six persons arrived and assaulted both of them
due to which they received injuries.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case due to land dispute between the parties. He further submits that the side of the defence is owner of the subject land by virtue of sale deed executed in favour of Siyaram Yadav, one of the accused persons. He next submits that there is no specific allegation of assault against the petitioner upon the informant's brother and his friend. The injuries caused to the victims are not serious in nature. The petitioner is in custody since 15.07.2022 and the charge-sheet has already been submitted.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that all the accused persons with a common intention, in order to grab the land of the informant, assaulted his brother and his friend causing various injuries, out of which, one is serious in nature.

In response to this, learned counsel for the petitioner submits that from the injury report, it transpires that one injury, which has been described as grievous, is fracture of metacarpal bone which is not the vital part of the body and is a bone situated at the back side of the palm.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 15.07.2022, the charge-sheet



has already been submitted, there is land dispute between the parties, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar PS Case No. 205/2022.

(Anil Kumar Sinha, J)

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