

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71323 of 2021**

Arising Out of PS. Case No.-139 Year-2020 Thana- CHANAN District- Lakhisarai

1. Satish Kumar @ Lato Son of Baleshwar Yadav,
2. Sarthak Kumar Son of Baleshwar Yadav,
3. Baleshwar Yadav Son of Late Sadhu Yadav,
All are resident of village - Churamanbigha, P.S.- Chanan, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 08-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This is an application for grant of anticipatory bail in connection with Chanan P.S. Case No. 139 of 2020 registered for the offences punishable under Sections 447, 341, 323, 307, 379, 384, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 3 (Baleshwar Yadav) has already been arrested, hence the present petition has become infructuous qua the



petitioner no. 3.

Accordingly, the present petition qua the petitioner no. 3 stands dismissed as not pressed.

As per F.I.R., the informant alleges that when he was constructing the wall of his house the all named accused persons came and ordered to stop the construction of wall, on his refusal co-accused Shiva Shankar Yadav assaulted with iron rod near right eye of the informant. Petitioner nos. 1 and 2 assaulted with lathi upon the nephew of the informant namely Pankaj Kumar. It is also alleged that petition no. 1 took away three thousand rupees from the pocket of the informant and co-accused Chandan Kumar and Baleshwar Yadav demanded the *Rangdari* of Rs. 50,000/-. All the accused persons threw stone piece and injured the informant.

Learned counsel for the petitioners submits that the allegation against the petitioner nos. 1 and 2 is that they have assaulted Pankaj Kumar on his head with lathi causing injury to him, however, the injury caused to Pankaj Kumar is simple in nature. Learned counsel further submits that the petitioners and informant are *Gotiya* and a land dispute is going on between the parties and allegation of theft is super-addition. Earlier co-accused Chandan Kumar had filed a criminal case against the



informant and others and in retaliation this false and fabricated case has been filed by informant to pressurize for compromise.

Learned A.P.P. for the State has opposed the prayer of bail application of the petitioners.

Considering the fact that petitioners and informant are *Gotiya*, there is a land dispute between the parties and the allegation of injury caused by petitioner nos. 1 and 2 to Pankaj Kumar is simple in nature, let the petitioner nos. 1 and 2, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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, Lakhisarai in connection with Chanan P.S. Case No. 139 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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