

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3526 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- KATEYA District- Gopalganj

1. VIKASH DUBEY @ VIKASH KUMAR DUBEY S/O DEVTA DUBEY
R/V- BELWA KHASH, P.S.- BHORE, DISTRICT- GOPALGANJ
2. NITESH DUBEY @ NITESH KUMAR DUBEY S/O DEVTA DUBEY
R/V- BELWA KHASH, P.S.- BHORE, DISTRICT- GOPALGANJ

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate Mr. Avinash Kumar, Advocate Mr. Sanchit Singh, Advocate
For the Opposite Party/s	:	Mr. Nirmala Kumari, APP
For the Informant	:	Mr. Bishwa Bijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioners and learned
APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 448, 354, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on the alleged date and time of occurrence, accused persons reached at the door of the informant and started hurling abuses and when he forbade for the same then being annoyed, petitioner no.1 inflicted farsa blow on the head of his daughter and when the



informant rushed in her rescue petitioner no.2 attacked upon him with khanti causing rupture and fracture injury on his hand and he became unconscious. They also assaulted the family members of the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both sides have filed cases against each other. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, as the injury caused by petitioner no.1 is simple in nature, let the above named petitioner no.1, 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 Kateya P.S. Case No. 379 of 2022, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C.

Considering the facts and circumstances of case as well as the fact that the injury caused by petitioner no.2 is grievous in nature, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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