

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7871 of 2023

Arising Out of PS. Case No.-345 Year-2020 Thana- KONCH District- Gaya

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1. RAJGIR DAS @ RAJ GIR SON OF KARU DAS R/O VILLAGE-ALIPUR, P.S.- ALIPUR, DISTRICT- GAYA
 2. REENA DEVI @ RINA DEVI WIFE OF RAJGIR DAS R/O VILLAGE-ALIPUR, P.S.- ALIPUR, DISTRICT- GAYA
 3. RAM KARAN DAS @ RAMKARAN DAS SON OF LATE DUKHI DAS R/O VILLAGE- ALIPUR, P.S.- ALIPUR, DISTRICT- GAYA
 4. SHAILESH DAS @ SALESH DAS SON OF RAM KARAN DAS R/O VILLAGE- ALIPUR, P.S.- ALIPUR, DISTRICT- GAYA
 5. SATENDRA DAS SON OF HALKHORI DAS R/O VILLAGE- ALIPUR, P.S.- ALIPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Konch Police Station Case No. 345 of 2020 dated
06.12.2020, disclosing offences under Sections
341/323/325/308/34/504 of the Indian Penal Code.

The prosecution story, on the basis of the First
Information Report, is that on 14.11.2020 in the afternoon,
while informant was in the house, all the accused persons i.e.



the petitioners, arrived at the door of the informant and started abusing him and when objection being made, the petitioner no. 3, Ram Karan Das, assaulted on the head and hand of the informant by iron rod due to which he suffered injuries, petitioner no. 5, Satendra Das, assaulted informant's father, Karu Das, on his hand by means of iron rod due to which his hand got fractured and petitioner no. 4, Shailesh Das, assaulted informant's sister, Soni Kumari, on her hand by iron rod due to which her hand got fractured.

Learned Counsel for the petitioner submits that no specific allegation is there against the petitioner no. 1 and 2 in the First Information Report and from the perusal of the First Information Report, it would be evident that the cause of occurrence has been given due to land dispute between the parties. Learned counsel next submits that due to delay in lodging the First Information Report, the veracity of the First Information Report is suspicious, inasmuch as occurrence has taken place on 14.11.2022, but written report has been submitted, for lodging First Information Report, on 06.12.2022 i.e. after 22 days of delay.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials



available on record and the fact that there is an unexplained delay of 22 days in lodging of the First Information Report and there is land dispute between the parties, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 Judicial Magistrate-1st Class, Gaya, in connection with Konch Police Station Case No. 345 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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