

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10075 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

1. VIVEK KUMAR Son of Late Bhola Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
2. RITESH KUMAR Son of Late Bhola Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
3. VINAY KUMAR Son of Late Bhola Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
4. VIKASH KUMAR @ VIKASH Son of Late Ramji Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
5. RAJU RAM Son of Late Ramji Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
6. RAJESH KUMAR Son of Late Ramji Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar
7. SRI BHAGWAN RAM Son of Late Sudama Ram R/v- Darahpur, Churamanpur, P.S.- Buxar (I), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate.
For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard Mr. Rajiv Ranjan Kumar Pandey, learned
counsel for the petitioners and Ms. Nirmala Kumari, learned
Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with
Buxar (Industrial Area) P.S. Case No. 246 of 2022 dated
25.11.2022 registered for the offence punishable under Sections
341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.



As per the First Information Report, the petitioners along with other accused persons assaulted the informant and his family members.

Learned counsel for the petitioners submits that the allegation against the petitioners are general and omnibus in nature except petitioner Nos. 2 and 4 who have allegedly assaulted one Indrasan Ram and Vishnu Ram i.e. informant by means of *tangi*, iron rod etc. He further submits that the injuries caused to Indrasan Ram and Vishnu Ram (informant) have been found to be grievous but injury caused due to assault by co-accused and other petitioners were found to be simple. Both the parties are agnates and there is case and counter case between them. Learned counsel next submits that there is land dispute between the parties and from the side of the petitioners also, injuries have been caused. The occurrence has taken place on trivial issue for keeping the cattle on the passage of the informant.

Regards being had to the submission made by the parties and taking into consideration the fact that both the parties are agnates, there is land dispute between them and the injuries caused by other petitioners have been found to be simple in nature except petitioner Nos. 2 and 4 who have caused



the grievous injury to Indrasan Ram and Vishnu Ram (informant), I am not inclined to grant anticipatory bail to the petitioner Nos. 2 and 4.

Accordingly, the prayer for anticipatory bail of petitioner Nos. 2 and 4 stands rejected.

So far as petitioner Nos. 1, 3, 5, 6 and 7 namely, Vivek Kumar, Vinay Kumar, Raju Ram, Rajesh Kumar and Sri Bhagwan Ram are concerned, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar (Industrial) P.S. Case No. 246 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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