

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11257 of 2023

Arising Out of PS. Case No.-515 Year-2022 Thana- DESARI District- Vaishali

1. Shiv Sagar Rai S/O Mishri Lal Rai R/O Village- Bihjadi, P.S.- Desari, Distt- Vaishali.
2. Gaurav Kumar S/O Shiv Sagar Rai R/O Village- Bihjadi, P.S.- Desari, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned A.P.P. 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 447, 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, when the informant was repairing his toilet room then, due to land dispute, the petitioners came and assaulted his labour and when the informant stopped the petitioners from doing so, then petitioner no. 2 gave farsa blow on his head. It is further alleged that they



have snatched golden ornament of the wife of the informant.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. He submits that there is case and counter case between the parties and the petitioner no. 1 and the informant are own brothers. He further submits that the injury was found simple in nature, as enclosed in Annexure-3 to the bail application. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose prayer for anticipatory bail.

Considering the facts and circumstances of the case and the nature of the injury, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Desari P.S. Case No.515 of 2022, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C.

As both the parties are agnates, they are advised to settle the dispute amicably.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

