

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26996 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- KHUSRUPUR District- Patna

KAUSHAL KUMAR S/O LATE MADAN KUMAR Resident of Village-
Kayampur, P.S.- Khushrupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Khushrupur Police Station Case No. 10 of 2023,
dated 04.01.2023, disclosing offences under Sections 376 and
341/323/325/307/504/34 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the petitioner has allegedly assaulted
the husband of the informant on his head by means of iron rod
and firing was also made by him but the bullet missed the target.

Learned Counsel for the petitioner submits that
from perusal of the First Information Report it would be evident
that there is a previous land dispute between the parties, both the



parties are agnate and the petitioner has filed a title partition suit along with his mother and two sisters bearing Title Partition Suit No. 111 of 2022. He further submits that the grand-father of the petitioner was an employee of the Bihar State Electricity Board at Biharsharif, after his death, the father of the petitioner was appointed in the South Bihar Power Distribution Company Ltd. on compassionate basis and after the death of the petitioner's father, the petitioner was appointed in the company on compassionate basis due to which the side of the informant were insisting that the petitioner and his family members would not get share in the property. He next submits that injury report was not produced by the prosecution before the learned Additional Sessions Judge,

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnate, there is a land dispute between them and a title partition suit is pending, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his 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, Patna, in connection with Khushrupur Police Station Case No. 10 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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