

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27000 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- MORKAHI District- Khagaria

1. CHANDAN KUMAR @ ADITYA RAJ S/O RAMESH KUMAR RAMAN
R/O Village- Rasaunk, P.S- Morkahi, District- Khagaria.
2. Kundan Kumar S/O Ramesh Kumar Raman R/O Village- Rasaunk, P.S-
Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indrajit Kumar, Adv.
For the Opposite Party/s	:	Mr. Parmanand Prasad, APP
For the informant	:	Mr. Santosh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard Mr. Indrajit Kumar, learned counsel for the petitioner, Mr. Parmanand Prasad, learned Additional Public Prosecutor for the State along with Mr. Santosh Kumar, learned counsel appearing for the informant.

2. Petitioners apprehend their arrest in connection with Morkahi PS Case No. 43/2022 dated 08.05.2022 registered for the offence punishable under Sections 447, 341, 323, 307, 379, 504, 506, 324/34 of the IPC.

3. As per prosecution story, petitioner no.1, Chandan Kumar has assaulted the informant by means of *Lathi* and *Khanti* and petitioner no.2, Kundan Kumar has assaulted father of the petitioner by *Lathi*.



4. Learned counsel for the petitioners submits that both the parties are co-sharers and there is a land dispute between them. He further submits that injuries caused to the informant and his father are simple in nature which would be evident from Annexure-2 series. A counter case has also been filed by the side of the petitioner bearing Morkahi PS Case No. 48/2022 against the informant and others.

5. On the other hand, learned counsel for the informant vehemently, opposed the anticipatory bail application and submits that the petitioners are in the habit of assaulting the informant and his family members. Earlier also, an FIR bearing Morkahi PS Case No. 29/2022 was lodged by the informant in which the petitioners have been given advantage of Section 41(A) of the CrPC by the police. He next submits that after having taken advantage of Section 41(A) of the CrPC, the present occurrence has been committed by the petitioners.

6. Learned counsel for the petitioners, in reply, submits that the petitioners are 28 years and 19 years old respectively and they are students studying in 10 plus 2 and 10 and the petitioners undertake not to repeat the similar offence in future.

7. Regards being had to the submissions made by the



parties, taking into consideration the fact that the parties are co-sharers, there is a previous land dispute between them, the injuries caused to the informant and his father are simple in nature, I am inclined to grant anticipatory bail to the petitioners.

8. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Uma Kumari, learned Judicial Magistrate 1st Class, Khagaria/successor court in connection with Morkahi PS Case No. 43/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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