

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34249 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- POTHIA District- Kishanganj

1. GOPI SOREN @ GOPIN SOREN S/O LATE DHUMA SOREN R/O Village- Fulbari Shekhpura, P.S- Pothia, Distt.- Kishanganj.
2. Kishan Soren @ Kishun Soren S/O Late Dhuma Soren R/O Village- Fulbari Shekhpura, P.S- Pothia, Distt.- Kishanganj.
3. Baro Soren @ Baru Soren S/O Late Dhuma Soren R/O Village- Fulbari Shekhpura, P.S- Pothia, Distt.- Kishanganj.
4. Sunil Soren S/O Gopi Soren @ Gopin Soren R/O Village- Fulbari Shekhpura, P.S- Pothia, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	M/s Kunwar Ajit Singh Diwakar Sinha, Advocates

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 11-09-2023 1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.
2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Pothia P.S. Case no. 68 of 2023 registered under sections 341, 323, 324, 325, 326, 379, 504, 506 and 34 of the Indian Penal Code.
3. As per the prosecution case, over dispute relating to cultivation of land it is stated that seven named accused persons including the four petitioners herein came variously



armed. On the order of petitioner no. 1, the petitioner nos. 2 and 3 assaulted the informant and others leading to injuries. They also took away Rs. 18,000/- in cash.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The cause of false implication being land dispute which is evident from the FIR itself. There is an inordinate delay in lodging of the FIR. No overt act has been alleged against the petitioner nos. 1 and 4. Even petitioner no. 3 is not said to be armed with any weapon. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that all the petitioners actively participated in the occurrence, besides there being specific overt act against the petitioner nos. 2 and 3.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR wherein petitioner nos. 2 and 3 are said to have actively participated in the occurrence leading to injuries to the informant, the Court is not inclined to enlarge the petitioner no. 2 (Kishan Soren alias Kishun Soren) and petitioner no. 3 (Baro Soren alias Baru Soren) on anticipatory bail and their



application is rejected. They are directed to surrender in the court below within four weeks.

7. In case the petitioner nos. 2 and 3 surrender in the Court below within the period of four weeks, their application for bail shall be considered on its own merit without being prejudiced by this order of rejection.

8. In the facts and circumstances of the case, there being no overt act alleged against the petitioner nos. 1 and 4, it is directed that the petitioner nos. 1 (Gopi Soren alias Gopin Soren) and 4 (Sunil Soren), in the event of their arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Pothia P.S. Case no. 68 of 2023 on each of them furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj.

(Partha Sarthy, J)

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