

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35257 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- JAMUI District- Jamui

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UTTAM YADAV @ KUMAR UTTAM @ UTTAM KUMAR S/O ANANDI
YADAV R/O Village- Kalyanpur, Ward No. 21, P.S. Jamui, Dist.-Jamui
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K. Lall, Adv.
		Mr.Umesh Prasad
For the Opposite Party/s :		Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Jamui PS Case No. 13 of 2023 dated 05-01-2023 registered under Section 341, 323, 385, 379, 307 / 34 and 325 of the IPC.

As per the prosecution case while the informant was erecting boundary upon his land the petitioner along with other accused persons arrived there having lathi, danda, iron rod, tangi and sword etc. and started abusing the informant and upon protest being made by the informant the petitioner along with one Shivam Kumar ordered the other accused persons to kill him, upon which co-accused persons assaulted the informant, his nephew and when the nephew of the informant fell on the ground, the petitioner along with other accused persons also assaulted him.



Learned counsel for the petitioner submits that there is land dispute between the parties and both the parties are agnates. He next submits that in relation to land dispute between the parties a counter case has also been filed by the side of the petitioner against the informant and others. He also submits that there is no specific allegation of assault against the petitioner and allegation against him is general and omnibus in nature and in the 1st part of the FIR he has been shown as an order giver. The petitioner has got no criminal antecedent. He next submits that there is an unexplained delay of 1 ½ months in lodging of the F.I.R.

On the other hand, learned counsel for the State submits that altogether three persons have received injuries and one Nitish Kumar (nephew of the informant) has received grievous injuries.

Regard being had to the submission made by the parties, taking into consideration the fact that there is land dispute between the parties, allegation of assault against the petitioner is general and omnibus in nature along with other accused persons, the petitioner is the order giver and counter case is also there, there is delay of one and a half months in lodging the FIR, as such, I am inclined to grant anticipatory



bail to the petitioner.

Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Jamui in connection with Jamui P.S. Case No. 13 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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