

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35599 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- BIHIA District- Bhojpur

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1. BARMESHWAR SINGH SON OF LATE RAMPUJAN SINGH RESIDENT OF VILLAGE- ETAHI TOLA, PS- BIHIYA, DISTT- BHOJPUR
 2. RAJESH KUMAR SINGH SON OF BARMESHWAR SINGH RESIDENT OF VILLAGE- ETAHI TOLA, PS- BIHIYA, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s: Mr. Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Kanhaiya Kishore, learned Additional Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection with Bihiya P.S. Case No. 65 of 2023 dated 18.03.2023 registered for the offence punishable under Sections 341, 323, 307, 354, 504, 379 and 34 of the Indian Penal Code.

3. As per the First Information Report, on 18.03.2023 while the father-in-law of the informant was feeding the cows, the accused persons including the petitioners arrived there with lathi, danda etc. and assaulted him. Co-accused Sudhir Yadav assaulted the father-in-law of the informant with



rod on his head and Surender Singh assaulted the father-in-law of the informant also on his head. Further allegation is that the petitioners caught hold the hand of the informant in order to facilitate other accused persons in assaulting the informant and Barmeshwar Singh (petitioner No. 1) also supported the accused persons in assaulting the informant and others.

4. Learned counsel for the petitioners submits that there is land dispute between the parties with regard to construction of cattle trough (*Naad*) on the land belonging to the side of the petitioners. He further submits that the allegation against the petitioners are general and omnibus in nature. The specific allegation of assault is upon co-accused Sudhir Yadav and Surender Singh. He next submits that counter case has also been lodged from the side of the petitioners and injury caused to the father-in-law of the informant is not attributable to the petitioners. The petitioners have got no criminal antecedents.

5. Regards being had to the submission made by the parties and taking into consideration the fact that there is land dispute between the parties, case and counter case is also there and the specific allegation of assault to the father-in-law of the informant is against co-accused Sudhir Yadav and Surender Singh, I am inclined to grant anticipatory bail to the petitioners.



6. Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 5th, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 65 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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