

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40480 of 2023**

Arising Out of PS. Case No.-49 Year-2022 Thana- TANKUPPA District- Gaya

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KUNDAN KUMAR @ KUNDAN KUMAR SINGH Son of Gauri Shankar
Singh Resident of village-Mahiyarpur, Police Station-Tankuppa, District-
Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 02-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection
with Tankuppa PS Case No. 49/2022 dated 16.05.2022
registered for the offence punishable under Sections
147/148/149/341/323/325/307/379/427/452/504/506 of the IPC
and Section 27 of the Arms Act.

3. As per FIR, on 15.05.2022, the petitioner along
with other accused persons were constructing village road and
drain on the direction of *Mukhiya* which was being objected by
the informant, upon which, the petitioner assaulted the
informant by means of *Lathi* and other accused persons also
assaulted him.

4. Mr. Mithilesh Prasad Sharma, learned counsel



appearing for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story and there is case and counter case between the parties inasmuch as Tankuppa PS Case No. 50/2022 has been lodged by the side of the petitioner against the informant and others. He next submits that the similarly situated accused persons have been granted anticipatory bail by the co-ordinate Benches of this Court *vide* Annexures-3 and 4 to this petition. Referring to paragraph-14 of this petition, it has been submitted that the injury caused to the informant is simple in nature.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that there is case and counter case between the parties, scuffle took place due to construction of Government road, similarly situated co-accused persons have been granted anticipatory bail and the injury caused to the informant is simple in nature, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate- 1st , Gaya in connection with Tankuppa PS Case No.
49/2022, subject to the condition as laid down under Section
438(2) CrPC.

(Anil Kumar Sinha, J)

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