

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46056 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- DERNI BAZAR District- Saran

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1. DHRUV SINGH SON OF LATE SITA RAM SINGH RESIDENT OF VILLAGE- KHAJAULI, PS- DERNI, DIST- SARAN AT CHAPRA
 2. PARMATMA SINGH SON OF LATE SITA RAM SINGH RESIDENT OF VILLAGE- KHAJAULI, PS- DERNI, DIST- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
		Mr. Mayank Singh
For the Opposite Party/s	:	Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Derni Police Station Case No. 43 of 2023, disclosing offences under Sections 341/323/324/307/379/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that while the labourers of the informant were working in the field, the petitioners along with other accused persons, arrived at the land, stopped the work and upon knowledge, when the informant arrived there, the petitioner no. 1 assaulted the informant by means of farsa on his head and



when the son of the informant intervened, the petitioner no. 2 and two other co-accused persons assaulted him by means of danda causing him injury.

Learned Counsel for the petitioners submits that both the parties are co-sharer and there is partition suit, bearing Partition Suit No. 88 of 2022, pending between them. He further submits that there is counter case also lodged by the side of the petitioners, bearing Derni Police Station Case No. 45 of 2023, for offences which has taken place on the same date and time, in which the side of the petitioners have also sustained injury. He next submits that injury caused to the informant's son is simple in nature, whereas, injury caused to the informant has been kept reserved.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that there is direct allegation of assault against petitioner no. 1 who caused injury to the informant by means of farsa on his head, having size of 3" X 1/4".

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties co-sharer, there is partition suit pending between them and counter case has also been lodged by side of the



petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra, in connection with Derni Police Station Case No. 43 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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