

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46718 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

SANTOSH KUMAR SINGH @ ASHUTOSH KUMAR SINGH @
SANTOSH SINGH Son of Vakil Singh Resident of village - Pipara, P.S. -
Kudra, Distt. - Kaimur (Bhabua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kudra P.S. Case No. 128 of 2003 registered for the offences punishable under Sections 341, 323, 504, 308/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others were armed with lathi and danda visited the field of informant and protested him from harvesting the crop by abusing him. It is further alleged that co-accused Pintu Singh assaulted the informant indiscriminately by means of danda upon the back of the informant. It is further alleged that petitioner assaulted the informant indiscriminately by means of danda upon the head of



the informant as a result of which he sustained injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is land dispute between both the parties and on account of said land dispute the present case has been lodged. From the perusal of F.I.R. it is crystal clear that petitioner is alleged to have assaulted indiscriminately upon the head of the informant but injury report shows that there is only one injury upon the head of the informant which is simple in nature caused by hard and blunt substance and there is one injury on right forearm and there is allegation against co-accused Pintu Singh who is alleged to have assaulted indiscriminately upon the back of the informant. From the perusal of F.I.R. it is clear that there was indiscriminate blow upon the informant by the petitioner and other co-accused persons but injured sustained only two injuries which are simple in nature caused by hard and blunt substance. Learned counsel further submits that from perusal of the impugned order itself it is evident that civil suit is going on between both the parties as the case is outcome of agnatic land dispute with respect to ancestral property and in the land dispute



cases facts are generally exaggerated. He further submits that allegation levelled in the F.I.R. is not corroborated by the injury report itself.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Mohania (Kaimur at Bhabua) in connection with Kudra P.S. Case No. 128 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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