

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46038 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- PALANWA District- East Champaran

RAJDEO SAH @ RAJDEW SAH @ RAJDEV SAH son of Late Jayram Sah
Village- Kharkatawa Ps- Palanwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Palanwa Police Station Case No. 94 of 2023, dated 07.05.2023, disclosing offences punishable under Sections 341/323/324/379/354-B/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 05.05.2023, in the morning, the informant, along with her brother-in-law was digging the land for construction. In the mean time, the accused persons, holding weapons in their hands, arrived there, abused the informant and when the informant raised objection, the petitioner, with an intention to commit the murder, gave



farsha blow upon the brother-in-law of the informant, due to which he sustained injury on his head.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of land dispute between the parties and there is delay of two days in lodging the First Information Report inasmuch as for the occurrence which took place on 05.05.2023, First Information Report has been lodge on 07.05.2023. A counter case has also been lodged by the side of the petitioner against the family members of the informant for an occurrence which took place on 05.05.2023, at the same time. Referring to the impugned order, he submits that the prosecution has failed to produce case diary, injury report and other details before the learned Sessions Judge.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, parties have land dispute and there is case and counter case, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest



or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul, at Motihari, in connection with Palanwa Police Station Case No. 94 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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