

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48090 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

1. RAKESH KUMAR Son of Ganesh Yadav Resident of village - Katahara, P.S. - Piribazar, Distt. - Lakhisarai
2. Manish Kumar Son of Kapildeb Yadav Resident of village - Katahara, P.S. - Piribazar, Distt. - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2023 Heard Mr. Rajesh Kumar, learned counsel for the petitioners and Mr. Madhura Nand Jha, learned Additional Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection with Piribazar P.S. Case No. 06 of 2022 dated 13.1.2022 registered for the offence punishable under Sections 341, 323, 379, 448, 452, 308, 504 and 506/34 of the Indian Penal Code.

3. It has been alleged in the First Information Report that petitioners along with other accused persons assaulted Chandan Kumar, the family member of the informant, when he intervened while the informant was being surrounded and teased by co-accused Balmiki Kumar.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute inasmuch as the side of the informant had erected a boundary wall on the government land and the petitioners have made a complaint about the same before the authority and, thereafter, the boundary wall constructed by the informant was removed.

5. Learned counsel for the petitioners submits that present First Information Report is counter blast to the First Information Report lodged by the side of the petitioners bearing Piribazar P.S. Case No. 5 of 2022. Learned counsel further submits that two other cases have been lodged by the side of the petitioners and the informant. The injury caused to Chandan Kumar is simple in nature as would be evident from Annexure-2.

6. Regards being had to the submission made by the parties and taking into consideration the fact that FIR by the side of the petitioner is prior in time, the injuries caused to Chandan Kumar/victim are simple in nature and the two other cases have been lodged between the parties, I am inclined to grant anticipatory bail to the petitioners.

7. 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 ACJM-II, Lakhisarai, in connection with Piribazar P.S. Case No. 06 of 2022, 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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