

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50653 of 2023**

Arising Out of PS. Case No.-310 Year-2023 Thana- MAHUA District- Vaishali

1. HARENDRA SINGH S/O Late Ramanand Singh R/O Village- Dayalpur, P.S- Mahua, Distt.- Vaishali.
2. Ravindra Singh S/O Late Ramanand Singh R/O Village- Dayalpur, P.S- Mahua, Distt.- Vaishali.
3. Sumit Kumar @ Banty S/O Ravindra Singh R/O Village- Dayalpur, P.S- Mahua, Distt.- Vaishali.
4. Amit Kumar S/O Ravindra Singh R/O Village- Dayalpur, P.S- Mahua, Distt.- Vaishali.
5. Guddu Kumar @ Prince Kumar Guddu S/O Harendra Singh R/O Village- Dayalpur, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mrityunjay Kumar  
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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

- 4      08-11-2023      1. At the very outset, learned counsel for the petitioners submits that the prayer for anticipatory bail in respect of the petitioner no. 3 / Sumit Kumar @ Banty has become infructuous. Accordingly, he seeks permission to withdraw the prayer for grant of anticipatory bail to the petitioner no. 3.
2. Permission is granted.
3. The application stands dismissed as infructuous in respect of the petitioner no. 3 – Sumit Kumar @ Banty.



4. The remaining petitioners apprehend their arrest in connection with Mahua P.S. Case No. 310 of 2023 dated 21.05.2023 registered under Sections 341 / 323 / 324 / 307 / 379 / 504 / 506 / 34 of the I.P.C.

5. As per the F.I.R. the petitioners surrounded the son of the informant and petitioner no. 1 assaulted him by means of iron rod on his head, the petitioner no. 2 sat on the chest of his son and petitioner nos. 4 & 5 assaulted him by means of sword. The occurrence has taken place due to the fact that the petitioner no. 1 was constructing a house upon *gair mazarua* land which was objected by the informant.

6. Learned counsel for the petitioners submits that the genesis of the occurrence is land dispute and from perusal of the F.I.R. it would be evident that allegation against the petitioner no. 1 of assault upon the informant's son by means of iron rod but from perusal of the impugned order it would appear that the injury on the head of informant's son has been caused by sharp cutting weapon. According to him iron rod can be said to be a hard and blunt substance. Learned counsel further submits that injury on the head of the informant's son is grievous in nature however good sense has prevailed among the parties and they have compromised the matter vide Annexure-2 and compromise



may be considered for the purpose of bail at this stage.

7. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that both the parties are co-villagers, occurrence has taken place due to some land dispute and the parties have entered into compromise vide Annexure- 2, as such, I am inclined to grant anticipatory bail to the petitioner nos. 1 , 2, 4 & 5 .

8. Let the petitioner nos. 1, 2, 4 & 5, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of J.M. 1<sup>st</sup> Class, Vaishali at Hajipur in connection with Mahua P.S. Case No. 310 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anil Kumar Sinha, J)**

praful/-

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