

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55376 of 2023

Arising Out of PS. Case No.-343 Year-2023 Thana- PURNEA SADAR District- Purnia

Anil Kumar Son Of Hari Lal Mehta Village Chandi Kathwa Police Station
Sadar Muffasil District Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Mishra, Advocate Mr. Amit Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Anirudh Mishra, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Sadar (Muffasil) P.S. Case No. 343 of 2023, registered for the offences punishable under Sections 147, 149, 447, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

3. Allegedly, while the father of the informant was preparing paddy, in the meantime, his neighbours 'Anil Kumar' and 'Hari Lal Mehta' came there and started abusing, thereafter, the neighbouring people came there and pacified the matter. However, after some time all the accused persons variously armed, came there and started assaulting the informant and his



family members with spade and axe. The father of the informant also sustained head injuries and when the mother of the informant came to his rescue, co-accused 'Hari Lal Mehta' and others also assaulted her brutally. In the aforesaid incidence, four of the persons have sustained injuries.

4. Learned counsel appearing on behalf of the petitioner submits that there is a counter version of the present case being Sadar (Muffasil) P.S. Case No. 346 of 2023 instituted by the father of the petitioner. He further submits that in fact on account of land dispute a free fight has taken place in which the petitioner was mercilessly assaulted by the family members of the informant, due to which he sustained grievous injury and he was admitted in Government hospital and on being discharged from the hospital, the FIR has been instituted. He next submits that the injuries sustained to the injured and the informant are simple in nature except one injury of 'Santosh Mehta' which has been caused by hard and blunt substance. He next submits that during the aforementioned facts, the learned co-ordinate Bench of this Court have allowed the privilege of anticipatory bail to other accused persons in Cr. Misc. No. 43559 of 2023 vide order dated 04.08.2023.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that on assault being made by the petitioner and others due to which four persons have sustained injury.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the counter version of the present case, apart from the fact that others have been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sadar (Muffasil) P.S. Case No. 343 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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