

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54422 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- BELDOUR District- Khagaria

LAKHVIR KUMAR @ LAKHVIR SHARMA S/o- SAKALDEO SHARMA
Village- Bhola Das Basa, Ward No-4, Ps- Beldour Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Beldour P.S. Case No. 276/2022 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others armed with sword, Garasi, axe and iron rod arrived at the field of informant and started cutting the tress. When the same was protested by informant it is alleged that petitioner having armed with axe alongwith others assaulted the informant and others as a result of which informant and others sustained injuries.

4. Learned counsel for the petitioner submits that petitioner bears no criminal antecedent. Petitioner is innocent



and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner submits that earlier the petitioner's uncle has filed a case bearing Beldour P.S. Case No. 275 of 2022 against the informant's son and the present case is nothing but the counter blast of earlier case which was filed by petitioner's uncle and where there is a case and counter case free fighting cannot be ignored. Learned counsel further submits that both side sustained injuries as same is evident from Annexure – 3 Series which shows that all the injuries sustained by the informant side is simple in nature. Learned counsel further submits that petitioner's side has also sustained serious injuries and the same is evident from Annexure – 4 Series. There is a land dispute between both the parties as they are gotias. In the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bonafide land dispute. There is no specific allegation against the petitioner, allegation against the petitioner is general and omnibus.

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 Judicial Magistrate, 1st Class, Khagaria in connection with Beldour P.S. Case No. 276/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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