

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58783 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BAGENGOLA District- Buxar

1. Manoj Singh @ Manoj Kumar Singh @ Manoj Chaudhary Son Of Sukhdeo Chaudhary, Resident Of Village - Baruhan, P.S. - Bagen Gola, Distt. - Buxar
2. Golden Kumar Son Of Manoj Kumar Singh @ Manoj Chaudhary @ Manoj Singh, Resident Of Village - Baruhan, P.S. - Bagen Gola, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Bagen Gola P. S. Case No. 68 of 2023 registered on 31.05.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 324, 307, 354(A), 379 and 506 of the Indian Penal Code read with Section 27 of Arms Act.

3. According to the prosecution, F.I.R. has been lodged against 7 named accused persons including the present petitioner. It has been alleged that on 31.05.2023 at about 11.00 a.m. all the accused persons duly armed entered in the house of

the informant and started abusing and assaulting the informant side. Specific allegation against the petitioner no.1 that he has brutally assaulted the informant's son, namely, Prince Kumar and petitioner no.2 Golden Kumar assaulted the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that the petitioners and informant both are resident of the same village and they are agnates also. The dispute has arisen between both the families with a view to stoppage the construction of house encroaching public lane and there is open fight from both the sides and both sides were injured. Counsel further submits that due to injury the petitioners' side were admitted to PMCH and upon returning from PMCH, the petitioners' side went to the police station and upon refusal, they have lodged complaint case namely, Complaint Case No. 559 of 2023 before Chief Judicial Magistrate, Buxar. Counsel also submits that antecedent of the petitioners are clean and other co-accused persons were granted anticipatory bail by this Court vide order dated 19.08.2023 passed in Cr. Misc. No. 51842 of 2023.

5. Learned APP for the State opposes the prayer for

bail but admits that from Annexure-4 it transpires that for a public *rasta* dispute has arisen between both the family.

6. In the aforesaid facts and circumstances, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Buxar in connection with Bagen Gola P.S. Case No. 68 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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