

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60391 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- RAJAPAKAR District- Vaishali

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Guddu Kumar @ Krishn Kumar @ Krishna Mohan, aged about 33 years,
Gender- Male, son of Ram Pravesh Rai, resident of village- Randaha, P.S. -
Rajapakar, District- Vaishali, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Rajapakar (Baranti OP) PS Case No.48 of 2022 dated
09.02.2022, instituted under Sections 341, 323, 324, 307,
379,504/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged
date of occurrence when the informant visited his vacant land,
he found that the accused persons were preparing for making
construction on his land. Bricks, sand and stone-chips were also
found on the plot. When the informant forbade them the accused
persons assaulted him with *lathi*, *danda*, *farsa*, hockey stick etc.
causing injury to him. Thereafter, the petitioner is alleged to
have snatched his mobile and cash from his pocket.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioner, rather, allegation against the petitioner is general and omnibus. It is further submitted that there is delay of six days in lodging the FIR and there is no explanation for such delay. It is further submitted that there is land dispute between the parties since long and Title Suit No.211 of 2022 is pending in the lower court. It is further submitted that co-accused Piku Kumar @ Varun Kumar @ Krishna Kumar Bharti has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 17.02.2023 passed in Cr. Misc. No. 41450 of 2022 and co-accused Pappu Kumar @ Pappu Kumar Rai and Bablu Kumar @ Babloo Kumar Rai have been granted anticipatory bail by order dated 14.03.2023 passed in Cr. Misc. No.49971 of 2022. There is case and counter case between the parties. Mother of the petitioner has lodged Rajapakar PS Case No.57 of 2022 against the informant's side. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, in Rajapakar (Baranti OP) PS Case No.48 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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