

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64366 of 2023

Arising Out of PS. Case No.-140 Year-2020 Thana- CHANAN District- Lakhisarai

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1. Niraj Singh @SANTOSH Singh Son Of Shyam Narayan Singh Resident Of Village- Batta Rampur, Ps- Chanan, Dist- Lakhisarai
 2. Mukesh Kumar Singh Son Of Shyam Narayan Singh Resident Of Village- Batta Rampur, Ps- Chanan, Dist- Lakhisarai
 3. Rupesh Kumar Son Of Arbind Kumar Singh Resident Of Village- Batta Rampur, Ps- Chanan, Dist- Lakhisarai
 4. Jaijay Ram Kumar @ Chiku Singh Son Of Arbind Kumar Singh Resident Of Village- Batta Rampur, Ps- Chanan, Dist- Lakhisarai
 5. Kanhaiya Kumar Son Of Mukesh Kumar Singh Resident Of Village- Batta Rampur, Ps- Chanan, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Chanan P.S. Case No. 140 of 2020 instituted under
Sections 447, 341, 323, 307, 325/34 of the Indian Penal Code.

3. As per the prosecution case, the tractor, which was
being ploughed at the instance of the informant has accidentally
crossed over the side of the petitioners' land to which the driver
objected and the driver was assaulted by the accused persons



and when the prosecution parties has intervened, the accused persons assaulted them.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land disputes. There is a case and counter case between the parties. He further submits that both the parties are Gotiyas and during the fight both the parties got injuries. The Police did not found case true under Section 307 of I.P.C. but the learned Magistrate has taken cognizance under Section 307 I.P.C. The injuries on the informant is found to be simple in nature except one injury which is not on the vital part of the body. He also submits that similarly situated co-accused persons, namely, Shyaam Narayan Singh and Raju Kumar have been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 21.07.2023 in Cr. Misc. No. 34594 of 2023. Petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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 petitioners be released on bail upon furnishing



bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M. 1st Lakhisarai in connection with Chanan P.S. Case No. 140 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Sunil Dutta Mishra, J)

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