

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64211 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- KASHICHAK District- Nawada

1. UMA SHANKAR MALAKAR SON OF LATE JAMUNA MALAKAR VILLAGE- BAHARI BIGHA PS KASHICHAK DISTRICT NAWADA
2. RANJIT MALAKAR @ LADDU SON OF UMA SHANKAR MALAKAR VILLAGE- BAHARI BIGHA PS KASHICHAK DISTRICT NAWADA
3. PANKAJ KUMAR @ RAHUL KUMAR SON OF UMA SHANKAR MALAKAR VILLAGE- BAHARI BIGHA PS KASHICHAK DISTRICT NAWADA
4. AKASH KUMAR SON OF MUKESH KUMAR VILLAGE- BAHARI BIGHA PS KASHICHAK DISTRICT NAWADA
5. GARIBAN KUMAR SON OF MUKESH MALAKAR VILLAGE- BAHARI BIGHA PS KASHICHAK DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-10-2023 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Kashichak (Shahpur O.P.) PS case no. 165 of 2023, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. As per the First Information Report, on 23.06.2023 at about 7 am, when the informant was sitting in his house, the petitioners along with other accused persons, altogether 10 in



number, arrived there and started abusing and assaulting the informant by means of lathi, bricks etc. and upon hearing the noise, when the younger brother of the informant Ravindra Prasad intervened in order to save him, he was also assaulted by means of lathi, danda, bricks etc., due to which, the informant and his brother sustained injuries.

4. Learned Counsel for the petitioners submits that the allegations levelled against them are general and omnibus in nature and both parties are agnates, land dispute is going on between them and a Title Suit is also pending. It is further submitted that earlier, a case was also lodged by the petitioners' side bearing Kashichak (Shahpur O.P.) PS case no. 164 of 2023 against the informant and others. Referring to the injury report, learned counsel submits that injuries caused to the informant and his brother are not serious in nature. He also referred to C.T. Scan report of the brain and submits that posterior fossa contents and fourth ventricle is normal. Lastly, it is submitted that there was free fight between both the parties and petitioners' side also sustained injuries.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are agnates, case and counter case is going on



between them due to land dispute and injuries caused to the informant and his brother are not grievous in nature, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Nawada in connection with Kashichak (Shahpur O.P.) PS case no. 165 of 2023 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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