

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63651 of 2022**

Arising Out of PS. Case No.-224 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

Subham Kumar @ Shubham Kumar S/o Awadhesh Kumar Singh R/o Village
and P.O.- Chhatiyan, P.S.- Makhdumpur, Distt- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 16-05-2023 Heard Mr. Mungeshwar Kumar, learned Counsel
appearing on behalf of the petitioner and Mr. Aditya Narayan
Singh.1, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection
with Makhdumpur P.S. Case No. 224 of 2020 dated 16.06.2020
punishable under Sections 341, 323, 324, 325, 307, 504, 506
and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that informant
side and the petitioner side engaged in fierce fight in course of
land dispute. The specific allegation against the petitioner and
co-accused namely, Arvind Kumar that they have assaulted the
informant, who is his own uncle by means of rod and *pidha*.

4. Learned counsel appearing on behalf of the
petitioner informs this Court that so far as the injury sustained by



the informant on the head is reserved. Learned counsel further submits that parties are engaged in long-standing land dispute and to arrive at some amicable settlement parties are joined together and during the said period both the parties engaged into quarrel with each other and in course of the said quarrel both the parties injured each other. Learned counsel further submits that there is case and counter case between the parties. He further submits that petitioner lodged the F.I.R. first and thereafter counter case has been lodged by the informed side. The allegation has been made in the F.I.R. is not sustainable in want of any prove that the petitioner and one co-accused namely, Arvind Kumar have specifically assaulted on the head of the informant. Learned counsel further informs that the doctor has examined the informant and the opinion with respect to injury is reserved. Learned counsel further submits that the petitioner has no criminal antecedent.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Having considered the rival submission of the parties as well as the nature of allegation made in the F.I.R. there is long-standing land dispute between the parties due to



which they quarreled with each other and both the sides sustained injury. There is case and counter case between the parties. Considering the fact that the opinion with respect to injury is reserved and it is on the head of the informant, the Court below is directed to enlarge the petitioner on pre-arrest bail subject to the condition that only in case the injury is simple in nature after obtaining the final report with respect to injury from the concerned doctor within a period of three weeks during which no coercive step is required to be taken against the petitioner. If the Court below is satisfied, in case the injury is simple in nature, the petitioner is directed to be released on pre-arrest bail on such terms and condition as the Court below deems it fit and proper and subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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