

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74075 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- BELA District- Sitamarhi

JITAN SAH S/o RAM CHALITAR SAH @ RAM CHARTAR SAH R/o vill -
Vishunpur, P.s. - Bela, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Bela PS Case No.136 of 2023 dated 10/06/2023 registered under Sections 341, 323, 324, 307/504, 506, 379 / 34 of the I.P.C.

3. As per the prosecution case due to land dispute between the parties it has been alleged in the F.I.R. lodged on 31.05.2023 that all the accused persons entered into the house of the informant including the petitioner abused her and snatched *mangalsutra* and *jitiya* from the neck of the informant and when her husband came to save her the petitioner and others assaulted him. The allegation against the petitioner is that he assaulted the husband of the informant by means of iron rod due to which he sustained head injury.



4. Learned counsel for the petitioner submits that both the parties are agnates and there is admitted land dispute between them as would be evident from the F.I.R. itself. He next submits that there is counter case also lodged by the side of the petitioner bearing Bela P.S. Case No. 145 of 2023 for an occurrence which has taken place on the same date and time. He next submits that injury report has not been brought on record by the prosecution and from perusal of Annexure 3 of the bail application, which is the treatment report of S.K.M.C.H., Muzaffarpur, it appears that no serious injury has been caused to the husband of the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the the fact that both the parties are related, there is land dispute between them, counter case is also there, petitioner is having no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case



No. 136 of 2023 subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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