

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76696 of 2023

Arising Out of PS. Case No.-431 Year-2023 Thana- ROSERA District- Samastipur

1. Vikash Kumar @ Ved Prakash Son Of Dinesh Kumar Yadav @ Dinesh Yadav Resident Of Village - Marrajeev, Police Station - Rosera, District - Samastipur
2. Chotu Kumar @ Ved Mitra Son Of Dinesh Kumar Yadav @ Dinesh Yadav Resident Of Village - Marrajeev, Police Station - Rosera, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Janmejy Giridhar
For the Opposite Party/s : Mr. Asha Kumari,

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Rosera P.S. Case No. 431 of 2023 dated 10.07.2023, instituted for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 09.07.2023 at about 07:30 am, the informant's neighbours namely Dinesh Yadav, Vikas Kumar (petitioner no. 1), Chotu Kumar (petitioner no. 2) and Sita Devi along with their relatives reached the land of informant armed with weapons. It is further alleged that accused persons wanted to grab the land



of informant and for this purpose they started constructing pillar upon the land of informant and when informant protested then the co-accused namely Dinesh Yadav assaulted the informant on his head with Khanti. The informant started to run and upon which petitioner no. 1 assaulted the informant with iron rod on his back and when the wife and son of informant came to rescue him, they were also assaulted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that F.I.R. has been lodged against five persons including the petitioner. It is submitted that there is no specific allegation against petitioner no. 2. So far petitioner no. 1 is concerned, the allegation against him is that he assaulted on the back of informant which did not corroborate with the injury report. It is next submitted that there is a land dispute between the parties. It is further stated that a compromise petition has been filed in the lower court and the dispute has also been settled with the petitioner and the informant did not want to proceed the matter. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Rosera P.S. Case No. 431 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st Rosera, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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