

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4059 of 2024

Arising Out of PS. Case No.-300 Year-2021 Thana- BELAGANJ District- Gaya

JITENDRA KUMAR S/O LATE JAGDISH PRASAD R/O VILLAGE-
KAJIPUR, TOLA- HEMANT BIGHA, P.S- BELAGANJ, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 341, 323, 307, 504, 506 of the Indian Penal Code.

3. Allegedly, due to land dispute, all the accused persons including the petitioner are said to have abused and assaulted the informant's side brutally with deadly weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is admitted



land dispute between the parties. Both sides have filed cases against each other. It is further submitted that the alleged occurrence took place on 19.08.2021, but the *fardbayan* of the informant was recorded on 31.08.2021 after 12 days of the alleged occurrence and the FIR was instituted on 04.09.2021 after delay of 16 days without assigning any plausible and convincing reason for the said delay. No such occurrence as alleged has ever taken place rather the whole prosecution is false and concocted. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is direct allegation against the petitioner and co-accused Chandrakant to assault the informant's father on his head due to which he sustained grievous injuries. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is inordinate delay in recording of *fardbayan* and filing of the FIR and there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Belaganj P.S. Case No. 300 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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