

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6871 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- ALOULI District- Khagaria

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1. Pandav Kumar Son of Ramdev Mahto R/o Village_ Raun, P.S. Alauli, DIstt. Khagaria
 2. Rajeev Kumar Son of Ramdev Mahto R/o Village_ Raun, P.S. Alauli, DIstt. Khagaria
 3. Ramdev Mahto Son of Late Yadu Mahto R/o Village_ Raun, P.S. Alauli, DIstt. Khagaria
 4. Nutan Devi W/o Pandav Mahto @ Pandav Kumar R/o Village_ Raun, P.S. Alauli, DIstt. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Alauli Police Station Case No. 287 of 2023, dated 20.06.2023, disclosing offences punishable under Sections 341/323/307/447/379/504/506/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that due to land dispute, the petitioner no. 1 assaulted the cousin brother of the informant, namely, Daya Ram



Mahto, by means of khanti on his head, due to which he sustained injury. The petitioner no. 2, along with other accused persons, assaulted another cousin brother of the informant, namely, Hitler, by means of iron rod on his hand, due to which his hand got fractured. The petitioner no. 3 assaulted the mother of the informant by means of khanti on her ear and legs and the petitioner no. 4 snatched golden chain from the neck of the mother of the informant.

4. Learned Counsel for the petitioners submits that both the parties are co-sharers and there is land dispute between them. He further submits that the side of the petitioners has won the cases filed before the Commissioner and the Bihar Land Tribunal, pertaining to the subject land. He further submits that the petitioner no. 3 is the father of petitioner nos. 1 and 2 and is aged about 65 years and no apparent injury has been caused to the mother of the informant due to the alleged assault made by him. The petitioner no. 4 is the wife of petitioner no. 1 and the only allegation against her is that she snatched golden chain from the neck of the mother of the informant.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that the allegation against the petitioner no. 1 is that he assaulted the cousin brother of the informant, namely, Daya Ram Mahto, by means of khanti on his head and from perusal of the injury report, it appears that the doctor has opined the said injury grievous in nature, I am not inclined to grant the petitioner no. 1, namely, Pandav Kumar, privilege of anticipatory bail.

6. So far as the petitioner nos. 2, 3 and 4 are concerned, the allegation against the petitioner no. 2 is that he, along with other co-accused persons, assaulted another cousin brother of the informant, namely, Hitler, and from perusal of the injury report, it appears that grievous injury has been found on the left forearm, which is not the vital part of the body. The petitioner no. 3 is aged about 65 years and the petitioner no. 4 is a lady, having no specific allegation.

7. Having regard to the aforesaid, I am inclined to grant the petitioner nos. 2, 3 and 4 privilege of anticipatory bail.

8. Let the petitioner nos. 2, 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Khagaria, in connection with Alauli Police Station Case No. 287 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

9. This application is partly allowed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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