

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6734 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- CHAUTHAM District- Khagaria

Sarvan Kumar Son of Umesh Singh Resident of Village-Agrhan, P.S.-
Chautham, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chautham Police Station Case No. 114 of 2023, dated 16.04.2023, disclosing offences punishable under Sections 147/148/149/323/324/307/379/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that in the morning of 16.04.2023, while the informant, along with her husband, was going home, the petitioner, along with other co-accused persons, accosted them and started abusing the husband of the informant. The accused persons were armed with various weapons, like spade, dabia, lathi, country-made pistol etc. The allegation is that



one co-accused, namely, Ghanshyam Singh assaulted the husband of the informant on his arm by means of dabia and co-accused Rakesh Kumar assaulted near the thigh of the informant's husband by means of spade.

4. Learned Counsel for the petitioner submits that there is land dispute between the parties and the petitioner has been dragged in this case on the basis of concocted story. He further submits that from perusal of the First Information Report, it would be evident that there is no allegation of overt act against the petitioner and the petitioner, at best, can be said to be a member of the unlawful assembly.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is land dispute between them and there is no allegation of assault against the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his 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) with two sureties



of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st Class, Khagaria, in connection
with Chautham Police Station Case No. 114 of 2023,
subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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