

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11362 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

1. SANJAY SAO SON OF LATE JAGDISH SAO R/O-NATESAR, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
2. MANOJ SAO SON OF LATE LAKHAN SAO R/O-NATESAR, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA
3. PINTU SAO @ TUNTUN SAO SON OF LATE RAMPRIT SAO R/O-NATESAR, P.S.-NEEMCHAK BATHANI, DISTT.-GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Sharma
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary
For the Informant/s	:	Mr. Amrendra Kumar Sinha No.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 23-02-2024 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 175 of 2023 registered for the offences punishable under Sections 323, 341, 504, 506, 307 of the IPC and section 27 of the Arms Act.
3. As per prosecution case, informant owns a land in Khata no. 142, Plot no.2530 at village-Natesar which is registered in the name of her grandmother, late Bhuiyani Devi. It is further alleged that Ranjeet Sao and Sanjay Sao have forcibly grabbed the said land since last three months. On 22.09.2023, the informant and his brother told them to stop construction work over the said land where upon



co-accused Ranjeet Sao and petitioners abused and assaulted them with lathi-danda. It is further alleged that in the meantime co-accused Ranjeet Sao brought one country made katta from nearby kirana shop and pointed against the informant and opened fire which hit little finger of left hand of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioner no. 1 bears criminal antecedent of three cases in which he is on bail, petitioner no. 2 bears criminal antecedent of one case in which he is on bail and petitioner no. 3 bears no criminal antecedent. He further submits that there is no specific allegation of assaulting against any of the petitioners rather the same is general and omnibus in nature. He further submits that specific allegation of firing upon the informant is against co-accused, Ranjeet Sao, and the injury report indicates that there is only one injury on the little finger of the informant. He further submits that all sections are bailable except section 307 of the IPC and there is no allegation against the petitioners under section 307 of the IPC. It is further submitted by learned counsel that Puni Devi ,wife of petitioner No.1, and Ruby Devi, wife of Ranjeet Kumar, jointly relates to Khata no. 142, Khesra No.2530 and Khata No. 140, Khesra No. 3557 of 15 decimal from Kanti Devi, vide Sale deed no. 3123 dated 13.12.2007 and mutation receipt issued in favour of the same and all the certificates are



annexed as annexure 3 and 4 of the bail petition. It is further submitted that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to make the case graver.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners keeping in view the criminal antecedent of petitioner nos. 1 and 2.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya in connection with Neemchak Bathani P.S. Case No. 175 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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