

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12500 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Ranjeet Mahto S/o Vasudev Mahto R/o Vill - Kerai Dih, Bibhutipur, P.S. - Bibhutipur, Dist. - Samastipur
2. Ramashish Mahto S/o Late Lalbahadur Mahto R/o Vill - Kerai Dih, Bibhutipur, P.S. - Bibhutipur, Dist. - Samastipur
3. Rajesh Kumar Mahto @ Rajesh Mahto S/o Late Yogendra Mahto R/o Vill - Kerai Dih, Bibhutipur, P.S. - Bibhutipur, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 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 Bibhutipur Police Station Case No. 257 of 2023, disclosing offences under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.
3. As per the First Information Report, both the parties are agnates and a partition had taken place between them. On 24.06.2023, the side of the petitioners tried to take possession of the land which was already sold but when the side of the informant objected, all the accused persons



named in the FIR, abused the informant and petitioner No. 1 assaulted the informant by means of iron rod on his head due to which he sustained head injury. Petitioner No. 2 assaulted brother of the informant by means of lathi and petitioner No. 3 assaulted another brother of the informant by iron rod on his head.

4. Learned Counsel for the petitioners submits that both the parties are agnates and there is land dispute between them. Altogether twenty five persons have been made accused including the petitioners. Twenty two of the accused persons have been granted anticipatory bail by the learned Sessions Judge itself, however, the petitioners were denied on the ground that there is allegation of assault against them. Referring to paragraph 9 of the bail petition, learned counsel submits that the injuries caused to the victims are simple in nature. A counter case has also been lodged by the side of the petitioners against the informant and others bearing Bibhutipur P.S. Case No. 249 of 2023.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates, there is a land dispute between them,



there is case and counter case also and injuries caused to the victims are simple in nature, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 S.D.J.M., Dalsinghsarai (Samastipur), in connection with Bibhutipur Police Station Case No. 257 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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