

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12206 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Chandeshwar Rai Son of Late Shital Rai Resident of Village- Jamira, Police Station- Mufasil, District- Bhojpur at Ara
2. Shambhu Rai Son of Chandeshwar Rai Resident of Village- Jamira, Police Station- Mufasil, District- Bhojpur at Ara
3. Ranjeet Kumar Son of Shambhu Rai Resident of Village- Jamira, Police Station- Mufasil, District- Bhojpur at Ara
4. Arun Rai Son of Chandeshwar Rai Resident of Village- Jamira, Police Station- Mufasil, District- Bhojpur at Ara
5. Binod Rai @ Bhulan Rai Son of Chandeshwar Rai Resident of Village- Jamira, Police Station- Mufasil, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nikita Mittal
Mr.Vipin Kumar Singh
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 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 Ara Mufassil Police Station Case No. 244 of 2023, 09.06.2023, disclosing offences punishable under Sections 147/148/149/447/448/341/323/324/307/379/354-B/427/504 of the Indian Penal Code and Section 4 of the Dian Act.



3. The prosecution case, as per the First Information Report, is that in the morning of 08.06.2023, all the accused persons, including the petitioners, armed with iron rod, farsha etc., entered into the house of the informant, abused him and asked him why he has not filled the well by soil and upon reply of the informant that it could not be filled due to paucity of money, all the accused persons got angry, started assaulting the informant and upon noise being made by the informant, other persons arrived to rescue him, but the accused persons also assaulted them.
4. Learned Counsel for the petitioners submits that both the parties are co-villagers and there is dispute regarding land and well between them. A counter case has also been lodged by the petitioner no. 1 against the informant and his family members, bearing Ara Mufassil Police Station Case No. 245 of 2023. The injuries caused to the informant and some others are simple in nature whereas the opinion on the injuries caused to some other injured persons have been kept reserved by the doctor.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is land dispute



between them, case and counter case is also there and the injuries caused to the informant and others are simple in nature, I am inclined to grant the petitioners 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 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, Bhojpur, at Ara, in connection with Ara Mufassil Police Station Case No. 244 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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