

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14441 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

1. Pankaj Singh @ Pankaj Kumar Singh S/O Raj Narayan Singh R/O Village- Baghelava, P.S- Buxar Muffasil, Distt.- Buxar.
2. Pintu Singh @ Pintu Kumar @ Pintu Kumar Singh S/O Raj Narayan Singh R/O Village- Baghelava, P.S- Buxar Muffasil, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Buxar Muffasil P.S. Case No. 397 of 2023, registered for the alleged offence under Sections 341, 323, 307, 308, 504, 506, 120(B), 34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons had been uprooting the paddy crops from the land of the complainant/informant and when the informant opposed their act, she was assaulted by them. Thereafter, the petitioners and other co-accused persons variously armed with *lathi*, *danda* and iron rod entered into the house of the informant and assaulted the informant and his family members, causing



injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Admittedly, there is land dispute between the parties and the present case is upshot of the same. The petitioners and the informant are agnates and co-villagers. The informant and his family members have not sustained any injury and no injury report has been brought on record. From the facts of the case, no offence under Section 307 and 308 of the IPC is made out against the petitioners. Moreover, for an occurrence of 23.07.2023, the complaint case was lodged on 17.08.2023 and thereafter present FIR was registered on 08.09.2023 without any explanation for delay in lodging the complaint petition so late by the informant. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of injury report and the background of land dispute and further considering the possibility of false accusation, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Buxar (M) P.S. Case No. 397 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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