

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16598 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Phool Babu @ Ful Babu @ Jeetendra Kumar @ Jitendra Kumar Son of Late Rampreet Ray Resident of Village- Hakimabad, Police Station- Samastipur Muffasil, District- Samastipur
 2. Mohan Kumar Son of Phool Babu @ Ful Babu @ Jeetendra Kumar @ Jitendra Kumar Resident of Village- Hakimabad, Police Station- Samastipur Muffasil, District- Samastipur
 3. Sudhir Kumar Son of Phool Babu @ Ful Babu @ Jeetendra Kumar @ Jitendra Kumar Resident of Village- Hakimabad, Police Station- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Muffasil P.S. Case No. 451 of 2023 for the offence punishable u/s 307, 341, 323, 324, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and 8-10 unknown accused persons entered into the house of the informant and assaulted him with lathi, iron rod and fists. Petitioner No. 1 tried to strangle the informant. The



petitioners and other accused persons also assaulted the mother, aunt and grand mother of the informant with lathi and danda.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is on going land dispute between the parties and on 07.10.2022 both parties agreed to sit together and to settle their dispute but hot argument started and it turned into a scuffle and both sides abused and assaulted each other. For the same occurrence the petitioner No. 1 has got registered Samastipur Muffasil P.S. Case No. 456 of 2023. Learned counsel further submits that present case has been lodged by the informant with malafide intention to implicate the petitioners and their family members. No motive has been assigned for committing such crime. The petitioners have got no criminal history.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and considering the vague nature of allegation and further considering the possibility of false implication of the petitioners, let the petitioners above named, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Samastipur in connection with Samastipur Muffasil P.S. Case No. 451 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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