

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24643 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- MANSI District- Khagaria

1. Raja Sah @ Raja Kumar SON OF UPENDRA SAH Resident of village -CHAK HUSSAINI, NAGAR PANCHAYAT PS- MANSI, DIST-KHAGARIA
2. PANKAJ SAH @ PANCHAN KUMAR SON OF UPENDRA SAH Resident of village -CHAK HUSSAINI, NAGAR PANCHAYAT PS- MANSI, DIST-KHAGARIA
3. SUDHEER SAH SON OF SON OF UPENDRA SAH Resident of village -CHAK HUSSAINI, NAGAR PANCHAYAT PS- MANSI, DIST-KHAGARIA
4. CHANDRAKALA DEVI WIFE OF SUDHIR SAH Resident of village -CHAK HUSSAINI, NAGAR PANCHAYAT PS- MANSI, DIST-KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. This application, for grant of anticipatory bail, arises out of Mansi P.S. Case No. 107 of 2023, G.R. No. 1208 of 2023 dated- 20.04.2023 disclosing offences punishable under Sections 447, 448, 323, 307, 354, 379, 427, 506 / 34 of the Indian Penal Code.



3. The prosecution story, as per the First Information report, is that while the informant was sitting at her home, the petitioners along with 15 other co-accused persons entered into the house of the informant and on the order of the accused Deepak Kumar Vidyarthi, all accused persons assaulted the informant and her two sons by means of *rod, lathi, danda* causing head injury to them.

4. Learned counsel for the petitioners submits that both parties are agnates / co-sharers and there is land dispute between them. It is further submitted that informant's side wants to encroach the common passage / road of the village, which was being opposed by the petitioners' side, due to which, scuffle took place between the parties and a counter case bearing Mansi P.S. Case No. 108 of 2023 has also been lodged by the petitioners' side against the informant and her sons. It is next submitted that injuries caused to the informant and her two sons are simple in nature, as is evident from the injury reports annexed as Annexure -2 Series. He also submits that in the F.I.R. lodged by the petitioners' side, both accused persons have been granted anticipatory bail by the learned court of Additional Sessions Judge-Ist, Khagaria in A.B.A. No. 606 of 2023. He further submits that the co-accused / Nitish Kumar @ Nitish Sah



@ Nitish Sah @ Nitish Kumar has been extended the privilege of anticipatory bail by this Court in Cr. Misc. No. 86682 of 2023 vide order dated 24.01.2024. He next submits that there is general and omnibus allegation against the petitioners.

5. On the other hand, learned counsel for the informant submits that the petitioners do not deserve anticipatory bail inasmuch as there is specific allegation against them.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates, land dispute is existing between them, the injuries caused to the informant and her two sons are simple in nature, the co-accused has been granted anticipatory bail, as such, I am inclined to grant the privilege of anticipatory bail to the petitioners.

7. This application is, accordingly, allowed.

8. 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 anticipatory 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 C.J.M., Khagaria in connection with Mansi P.S. Case No. 107 of 2023, G.R. No. 1208 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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