

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30284 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- LAUKARIA District- West Champaran

Jitu Sahani @ Jitu Kumar Sahani, Male, aged about 20 years, Son of Mukti Sahani, Resident of Village- Balua Kotahiya, Police Station- Laukariya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Laukariya P.S. Case No. 89 of 2023 dated 06.10.2023 registered for the offences punishable under Sections 147, 148, 427, 385, 341, 324, 325, 504, 506 and 307 of the I.P.C.

3. As per the prosecution case, all the accused persons including the petitioner armed with iron rod, lathi, bhala and danda, with an intention to take possession of the informant's land, abused the informant and his family members. The petitioner assaulted the informant with lathi on his head but which did not hit on his head rather which hit on his left palm.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the occurrence took place on 05.10.2023 at about 10.00 A.M. but the F.I.R. has been lodged on 06.10.2023 at 2.30 P.M. It is further submitted that both parties are agnates and there is land dispute between them. There is case and counter case also between the parties. It is further submitted that as per the F.I.R., the petitioner assaulted the informant with lathi on his head but which hit on his left palm and the doctor has found the said injury grievous in nature which is on non-vital part of the body of the informant. It is further submitted that in the alleged occurrence, four persons including the petitioner have also sustained injuries although the injury reports could not be obtained but from perusal of the prescription of the doctor, it appears that fracture has been found on the parietal region of right side of the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application as well as in paragraph no. 28 of the case diary.

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

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-2nd, Bagaha, West Champaran in connection with Laukariya P.S. Case No. 89 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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