

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33811 of 2024

Arising Out of PS. Case No.-380 Year-2023 Thana- DORIGANJ District- Saran

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1. Nirbhay Kumar Son of Late Sudama Prasad Village- Badalpura, P.S.- Doriganj, Dist- Saran At Chapra(Bihar)
 2. Kumar Praduman @ Kumar Pradumanji Son of Lalbabu Prasad @ Lala Prasad Village- Badalpura,P.S.- Doriganj, Dist- Saran At Chapra(Bihar)
 3. Kumari Madhu @ Madhu Kumari Wife of Brajesh Kumar Prasad Village- Kachnar, P.S.- Revilganj, Dist- Saran At Chapra(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 25-09-2024 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 Doriganj Police Station Case No. 380 of 2023, dated 28.12.2023, disclosing offences punishable under Sections 147/149/323/324/325/307/354/504/506 of the Indian Penal Code.
3. As per the First Information Report, on 27.12.2023, the petitioners, along with others, having lathi, danda, rod, sword, knife etc. in their hand, surrounded the informant and his family members and started abusing them saying



that they would buy the land. It has further been alleged that the petitioner no. 1 assaulted one Kanhaiya Kumar due to which he received fracture injury on his hand, petitioner no. 3 assaulted with bricks to all the persons, due to which Madhu Kumari sustained injury on her back and there is no specific allegation of assault against petitioner no. 2.

4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in this case due to land dispute inasmuch as both the parties wanted to purchase the same piece of land. A counter case is also there lodged by the side of the petitioners, bearing Doriganj Police Station Case No. 379 of 2023, under Section 307 and other allied sections of the Indian Penal Code. Four persons from the petitioners' side have been injured, out of which two sustained grievous injury. The injury attributable to petitioner Madhu Kumari is simple in nature, as is evident from the injury report annexed with this petition. No injury report of Kanhaiya Kumar, who was allegedly assaulted by petitioner no. 1, has been brought on record by the prosecution and from perusal of the impugned order, it would be evident that the learned



Sessions Judge, Saran, at Chapra, has only discussed the injury caused to Pankaj Kumar and Ritesh Kumar while rejecting the anticipatory bail application of the petitioner no. 2.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is land dispute between them, counter case is also there, the injury sustained by Madhu Kumari is simple in nature, the prosecution has not brought on record the injury report of Kanhaiya Kumar and there is no specific allegation of assault upon the petitioner no. 2, 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 four weeks, 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 Judicial Magistrate, First Class, Saran, at Chapra, in connection with Doriganj Police Station Case No. 380 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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