

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34334 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- PARAIYA District- Gaya

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Kamdev Kumar SON OF SHIBU YADAV VILLAGE -DUMRAH PS-
PARAIYA DIST -GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 23-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Paraiya P.S. Case No. 07 of 2024 registered for
the offences punishable under Sections 147, 148, 149, 323, 341,
307, 379, 504 and 506 of the Indian Penal Code.
3. As per prosecution case, during the course of
measurement of disputed land, petitioner is said to have
assaulted upon the head of the informant with intention to kill
as a result of which he sustained injury on head. It is further
alleged that petitioner and others are said to have assaulted and
abused the informant and other family members of the
informant.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. It has further been submitted that from the verbatim of the FIR, it is clear that there is dispute regarding certain portion of land and in the cases of land dispute facts are generally exaggerated to amplify the severity of the case. He further submits that, though, there is specific allegation against the petitioner regarding assaulting upon the head of the informant but the injury sustained by the informant is stated to be simple in nature caused by hard and blunt substance. He further submits that all the sections are bailable except sections 307 and 379 of the IPC. Learned counsel further submits that petitioner and informant are co-villager and co-sharer and admittedly there is land dispute between them.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the



learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C. Gaya in connection with Paraiya P.S. Case No. 07 of 2024 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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