

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33847 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- SIKRAUL District- Buxar

1. Dhanji Bind@ Dhan Ji Kumar SON OF MUKHU CHAUDHARY @ MUKHU CHAUDHARI Resident of village -Niyazipur PS- Sikraul District -Buxar
2. SANTOSH BIND @ SANTOSH CHAUDHARI SON OF BHOBHAL BIND @ BHIMAL CHAUDHARI Resident of village -Niyazipur PS- Sikraul District -Buxar
3. LAXMAN BIND @ LAKSHMAN BIND SON OF MADAN BIND Resident of village -Niyazipur PS- Sikraul District -Buxar
4. AJAY BIND @ AJAY CHAUDHARI SON OF RAMESH BIND @ RAMESH CHAUDHARI Resident of village -Niyazipur PS- Sikraul District -Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Arvind Kumar Pradhan, Advocate Mr. Krishna Gond, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-07-2024 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner Nos. 1, 2 and 3, as during pendency of this case, Petitioner Nos. 1, 2 and 3 have already been arrested and the same has become infructuous.

3. Permission accorded.

4. The anticipatory bail application on behalf of Petitioner Nos. 1, 2 and 3 is dismissed as withdrawn.



5. The Petitioner No. 4 apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 337, 307, 504 and 34 of the Indian Penal Code.

6. The prosecution case in brief is that on 17.02.2024 at about 6:30 PM, all the F.I.R. named accused persons, including this petitioner, were digging soil with JCB from a plot which was barren due to dispute and the same was being used as a road by co-villagers and upon protest by the informant, all the accused persons abused and assaulted the informant and one co-villager, namely Asha Devi, as a result of which they sustained several injuries.

7. It is submitted by learned counsel appearing on behalf of the petitioners that that from perusal of the F.I.R. it is apparent that there is admitted land dispute between the parties. Allegation of assault is general and omnibus. No specific overt act has been alleged against this petitioner and he has got clean antecedents.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

9. Considering the rival submission, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the Petitioner No. 4 is allowed.



10. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named Petitioner No. 4 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, in connection with Sikraul P.S. Case No.18 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

11. Accordingly, this application stands disposed of.

(Prabhat Kumar Singh, J)

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