

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36090 of 2024

Arising Out of PS. Case No.-926 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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BANHU PATEL @ BANU PATEL S/O LATE BAGAR PATEL R/O
VILLAGE- BASWARIYA, WARD NO. 21, P.S- BETTIAH (TOWN),
DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-06-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
342, 325, 307, 379, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is *agnate* and on
account of dispute relating to land, the present occurrence is
alleged to have taken place. It is next submitted that the
informant alleges that his *agnate*, Banhu Patel, kept a kiosk on
his land with an intention to capture the land and when the same
was protested, he started abusing the informant and thereafter an
altercation took place in which both sides assaulted each other.



It is further alleged that Santosh caught the informant while this petitioner assaulted him by *farsa* causing injury on head.

4. Learned counsel for the petitioner submits that no doubt the injury suffered by the injured is grievous in nature, but then whether it was caused by *farsa* or not is an aspect of investigation as the injury report does not corroborate the allegation of assault by *farsa*. It is next submitted that the injury report records that the injury has been caused by hard and blunt substance. It is also submitted that from the side of the petitioner also, several persons suffered injuries and that too incised wound, which amply demonstrates that the side of the informant assaulted the side of the petitioner by sharp edged weapon. It is next submitted that since both sides were assaulting each other, as such, the informant fell on account of which he received injury. It is also submitted that in the counter version, the accused persons have been granted the privilege of anticipatory bail by this Court.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah (Town) P.S. Case No. 926 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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