

TIN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39715 of 2024

Arising Out of PS. Case No.-532 Year-2023 Thana- BIHAR District- Nalanda

Jitu Kumar @ Jitendra Kumar Son of Navratan Prasad R/O Vill- Patuana, P.s.- Bihar, Dist.- Nalanda, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Prince Kumar Mishra, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bihar P.S. Case No. 532 of 2023, registered for the
offences punishable under Sections 147, 149, 341, 323, 307, 504
and 506 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly while the accused persons were involved
in demolishing the hut of the informant through JCB machine;
the same was protested, whereupon co-accused Md. Shakil and
others started assaulting and abusing her. It is further, alleged
that on the exhortation made by co-accused Md. Shakil, the
petitioner and one Mukesh have made an indiscriminate firing.

4. Learned counsel appearing on behalf of the



petitioner contended that although general allegation of firing has been levelled against the petitioner and co-accused Mukesh, however, no one has sustained any injury. Moreover, the present case has been instituted on the premise of a land dispute. There is a counter version of the present case being Bihar P.S. Case No. 533 of 2023 instituted by the wife of Md. Shakil. In order to support the contention of land dispute learned advocate for the petitioner further contended that with respect to the land in question, a proceeding under Section 144 of the Code of Criminal Procedure vide Case No. 1535(M) of 2022 has also initiated by SDM, Bihar Sharif, Nalanda. Now the final order in the aforesaid case has been passed in favour of Md. Shakil. It is lastly contended that the petitioner has absolutely clean antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that none has sustained any injury coupled with the factum of case and counter case on the premise of land dispute, let the petitioner above named be released on bail, in the event



of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 532 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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