

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37526 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. MANKESHWAR GIRI S/O LATE AMBIKA GIRI @ LATE AMBIKA PARWAT R/O VILLAGE- BALIWAN SAGAR, P.S- VISHAMBHARPUR, DISTT.- GOPALGANJ, BIHAR.
2. BRIJ KISHORE GIRI @ BRIJ KISHORE PARWAT S/O LATE AMBIKA GIRI @ LATE AMBIKA PARWAT R/O VILLAGE- BALIWAN SAGAR, P.S- VISHAMBHARPUR, DISTT.- GOPALGANJ, BIHAR.
3. SANJAY GIRI S/O MAKESHWAR GIRI R/O VILLAGE- BALIWAN SAGAR, P.S- VISHAMBHARPUR, DISTT.- GOPALGANJ, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-07-2024 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 Vishambarpur Police Station Case No. 135 of 2023, disclosing offences under Sections 341, 447, 323, 324, 307, 354(B), 379, 504, 34 of the Indian Penal Code.
3. As per the First Information Report, petitioner no. 1 assaulted the informant by means of iron rod and petitioner no. 3 assaulted the son of the informant with *farsa*. There is no specific allegation of assault against petitioner no. 2. The FIR alleged that there was a dispute



regarding land between petitioners and informant who are own brothers.

4. Learned Counsel for the petitioners submits that though the parties are close relative and due to land dispute, free fight took place between them and case and counter case have been filed. The FIR bearing Vishambarpur Police Station Case No. 134 of 2023 dated 23.07.2023 was lodged by the side of the petitioners against the informant and others. Learned counsel next submits that Annexure P3 and P4 are the injury report of the victim/informant and his son which shows that the injuries are simple in nature.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are close relatives having land dispute, case and counter case is also there and injuries caused to the victim/informant is simple in nature, 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gopalganj, in connection with Vishambarpur Police Station Case No. 135 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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