

Arising Out of PS. Case No.-850 Year-2023 Thana- AMARPUR District- Banka

- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-10-2024 1. Heard learned Counsel for the petitioners and learned
APP for the State.

2. This application, for grant of anticipatory bail, arises out of Amarpur (Fullidumar) PS case no. 850 of 2023, disclosing offences punishable under Sections 149, 341, 323, 379, 308, 325, 504, 506 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, is that on 15.12.2023 in the afternoon, while the informant



was at his home, in the meanwhile petitioners along with other accused persons armed with lathi, danda, iron rod and spade entered into the house of the informant, started abusing and on protest, the petitioners along with other accused persons assaulted the informant, his son and nephew. It is alleged that petitioner no. 1 took away clothes and golden chain.

4. Learned Counsel for the petitioners submits that there is land dispute between the parties, which would be apparent from the First Information Report itself. Learned counsel further submits that allegation against petitioner no. 1, who is a lady, is of taking away clothes and ornaments.

5. I have heard learned counsel for the parties and have gone through the F.I.R. including the impugned order. The allegation against petitioner no. 3 is that he assaulted the son of the informant namely Vishnu Kumar on his head by means of spade, due to which, he sustained head injury. The allegation against petitioner no. 4 is that he assaulted the informant and nephew of the informant by means of spade on their head. It appears that petitioners no. 3 and 4 assaulted the informant and his son and nephew by iron rod and spade, due to which, three persons sustained injuries, out of which, informant's son and nephew sustained grievous injuries, however informant has sustained simple injury on his head. Since petitioners no. 3 and 4 are having



criminal antecedent and there is direct allegation against them that they have caused grievous injuries to informant’s son and nephew, I am not inclined to grant privilege of anticipatory bail to petitioners no. 3 and 4. Accordingly, the prayer of petitioners no. 3 and 4 for grant of anticipatory bail is rejected.

6. However, insofar as petitioners no. 1, 2 and 5 are concerned, considering the fact that there is land dispute between the parties and case and counter case is going on, petitioners no. 1, 2 and 5 are granted the privilege of anticipatory bail.

7. This application is, partly, allowed.

8. Let petitioners no. 1, 2 and 5, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) PS case no. 850 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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