

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40676 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- PIRPAINTI District- Bhagalpur

SK Mantu @ Kamruddin Son of SK Muslim Resident of Village- Khanpur,
P.S- Pirpanti, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Pirpanti P.S. Case No. 374 of 2023, registered for the alleged offence under Sections 147, 149, 341, 323, 308, 379, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons assaulted the informant with spade, *lathi*, brick-stone etc. when the informant opposed their act of raising boundary wall on the land of the informant.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is counter version and co-accused Sheikh Kamaruddin has filed Pirpanti PS Case No. 375 of 2023 against the informant side



for the offences under Section 308 and other allied sections of IPC for the same occurrence. In fact, the informant side is aggressor and when the petitioner side was raising the boundary wall on their land, they came there and opposed and during scuffle, the petitioner received an injury on his head, but the same is not caused by spade or any sharp object for which there is allegation against the petitioner, rather the injury is a lacerated wound of size 5cm x ½ cm and this falsifies the allegation against the petitioner who is stated to have assaulted the informant with spade. Further, the dimensions of injury is small though it is stated that fracture has been caused on the head. Moreover, altogether 13 persons have been named for assaulting the informant and his family members and absence of injury on the informant or his family members in assault by such large number of persons is surprising. The land dispute is admitted and from perusal of the FIR, no offence under Section 308 IPC is made out against the petitioner. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute and counter version of the petitioner side and further considering the possibility of false implication, let



the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpanti P.S. Case No. 374 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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