

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43407 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- BAIRIYA District- West Champaran

1. Atta Hussain Khan S/O Hafeez Khan R/O Sirisiya Mthia P.S. Bairiya District West Champaran
2. Rohit Kumar S/O Madan Sah @Madan Gond R/O Sirisiya Mathiya P.S. Bairiya District West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 35 of 2024 registered for the offences punishable under Sections 147, 149, 323, 324, 341, 307, 379, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 2 is said to have caught hold the informant and petitioner no. 1 is said to have assaulted the informant by means of *farsa* upon his head as result of which he sustained injury.

4. Learned counsel for the petitioners submits that there is specific allegation against petitioner no. 1 who is said to



have assaulted the informant by means of farsa but injury report does not corroborate the same as injury report indicates that injury is caused by hard and blunt substance and there is no abnormality in the injury of head, as mentioned in Annexure – 2 of the bail petition. He further submits that injury report of informant is prepared on 17.02.2024 but the occurrence has been taken place on 18.02.2024 which clearly indicates that injury report is prepared prior to the said occurrence. He further submits that there is admitted land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to make offence graver. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under Section 307 of the I.P.C.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners



above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IIIrd, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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