

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43287 of 2024

Arising Out of PS. Case No.-464 Year-2023 Thana- BANKA District- Banka

Sudama Kumar @ Aditya Kumar S/O Bhola Sah R/O Village Simrkura, P.O.
Baliya Mahra, P.S. Banka, Distt-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 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 Banka P.S. Case No. 464 of 2023, registered on 08.07.2023 for the offences under Sections 143, 149, 341, 323, 324, 448, 307, 379 of the Indian Penal Code.

03. As per prosecution case, in the background of land dispute, the petitioner along with other co-accused persons assaulted the informant and his family members with iron rod, axe and spear causing a number of injuries to the victims. They also took away Rs.1,52,000/- in cash, silver ornaments and mobile phones.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



The father of the petitioner, Bhola Sah, has lodged Banka P.S. Case No. 465 of 2023 for the offences under Sections 307, 143, 149, 341, 323, 324 of the Indian Penal Code wherein the informant's side assaulted the petitioner and others causing serious injury to them. It shows that the informant side is aggressor. Admittedly there is land dispute and both sides are agnates. The informant side tried to forcibly irrigate the land and free fight ensued between the parties. There is case and counter case and both the parties have received injuries. Learned counsel further submits that the injury reports show simple injuries on all the victims except injury on the person of Ganesh Sah which is stated to be grievous. All victims received lacerated injury and there is no corresponding injury of assault by spear or axe. A number of co-accused persons have been granted anticipatory bail by this Court vide order dated 27.02.2024 passed in Criminal Misc. No. 66361 of 2023. There is no specific allegation of assault against the petitioner who is having clean antecedent.

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 non-specific nature of allegation against the petitioner and further



considering the simple nature of injuries which do not correspond to assault by axe and spear and further considering the case and counter case between the parties, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court in connection with Banka P.S. Case No. 464 of 2023, subject to the condition as 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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