

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43411 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

TIRTH NARAYAN UPADHYAY @ TIRTH NARAYN UPADHYAY SON
OF VED VYAS UPADHYAY VILLAGE- AKODHI @ AKORHI, P.S.-
SONHAN, DISTT.- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Bhabua P.S. Case No. 345 of 2024 registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506, 379, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner came in association with some other persons and surrounded the informant. It is alleged that petitioner is said to have assaulted the informant indiscriminately as result of which informant fell down. It is further alleged that petitioner is said to have snatched gold ring worth Rs. 15,000/- and Rs. 6,000/- in cash from the informant and fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that informant and petitioner are neighbours and they are agnates. He further submits that injury report of the informant clearly indicates that injury sustained by the informant is simple in nature. He further submits that from the perusal of F.I.R., it is crystal clear that there is land dispute between the parties and in the cases of land disputes, facts are generally exaggerated to make the offence graver. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under Section 307, 379 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 petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua in connection with Bhabua P.S. Case No. 345 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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