

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43707 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Birendra Prajapati Son of Dinanath Prajapati Resident of Village - Ahiyapur,
P.S.- Vijayepur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Vijayepur P.S. Case No.166 of 2023 instituted under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

3. As per the prosecution case, the informant has alleged that when he was constructing his hut, in the meantime the petitioner alongwith co-accused Ruman Kumari armed with *lathi* and *danda* came there and assaulted him, due to which he sustain injury on his head and became unconscious. It is further alleged that he sustain injury on his back.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner and informant are own brother and there is previous ancestral land dispute between them.



Learned counsel submits that there is no material against the petitioner. He further submits that there is no material to show that the informant was brought to any hospital or got any medical treatment, which is evident from the order dated 26.04.2024 passed by Learned Additional Sessions Judge, Gopalganj. He also submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M., XIVth, Gopalganj in connection with Vijayepur P.S. Case No.166 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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