

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44529 of 2024**

Arising Out of PS. Case No.-214 Year-2020 Thana- WAJIRGANJ District- Gaya

1. Fantoos Das @ Fantoos Kumar, Male, aged about 25 years, Son of Budhan Das, Resident of Village - Pura Dakhin Gaun Tola Barauni, P.S.- Wazirganj, District - Gaya.
2. Vikash Kumar @ Vikash Kumar @ Vikash Das, Male, aged about 32 years, Son of Gobind Ravidas, Resident of Village - Badipalu, P.S.- Hishua, District - Nawada at presently residing at 54 Ramanbhai Complex Kevdi Faliya Davhel, Daman and Div.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      16-07-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners apprehend their arrest in connection with Wazirganj P.S. Case No. 214 of 2020 instituted for the offences punishable under Sections 341, 448, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, all the accused persons including the petitioners armed with deadly weapon like *iron rod, khanti, lathi* entered into the house of the informant assaulted and injured him and his family members.

4. Learned counsel for the petitioners submits that



petitioners are innocent have committed no offence and have falsely been implicated in this case merely on the basis of land dispute attributed between the parties. He further submits that the informant and his family members have captured the land of the petitioners by fencing the land with bamboo for which petitioners and his family members had made a protest and then informant and his family members started quarreling to petitioners and his family members. He next submits that from bare perusal of the FIR, it also appears that there is no any specific allegation against the petitioners and the specific allegation of assault is upon Dharmendra Das. No any incriminating articles have been recovered from the possession of the petitioners. Petitioners have got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-X, Gaya dated 14.05.2024, it appears that petitioners are named in the FIR. There is allegation that they along with other co-accused persons assaulted the informant and his nephew due to which they sustained head injuries. From perusal of the injury report, it appears that the injuries are grievous in nature caused by sharp



cutting weapon but all the allegation of assault is against other co-accused persons and not the petitioners, so considering all these aspects, let the petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st,, Gaya in connection with Wazirganj P.S. Case No. 214 of 2020, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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