

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49135 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- PATEPUR District- Vaishali

1. Rakesh Kumar @ Rakesh Kumar Ray Son Of Ram Kishor Ray Resident Of Village - Bhagwanpur Kaiju, P.S. - Patepur, District - Vaishali
2. Vignesh Kumar @ Vijnish Kumar @ Vignesh Kumar Son Of Ram Kishor Ray Resident Of Village - Bhagwanpur Kaiju, P.S. - Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-08-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Patepur PS case no. 123 of 2023, disclosing offences punishable under Sections 307, 354(A) and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 18.05.2023, petitioners along with other accused persons armed with lathi, danda, rod etc. arrived at the house of the informant and started abusing. When the informant protested, petitioner no. 2 along with accused person namely Ram Kishore Rai assaulted the informant, due to which



he sustained injuries near his chest and hands. When the son of the informant tried to intervene, petitioner no. 2 assaulted him by means of farsa on his head and when the wife of the informant tried to save the informant, petitioner no. 1 assaulted her by rod, due to which she sustained injury in her finger.

4. Learned Counsel for the petitioners submits that both parties are co-sharers and neighbours and there is land dispute between them. Learned counsel further submits that a counter case has been lodged by the side of the petitioners against the informant and others bearing Patepur PS case no. 122 of 2023. He next submits that the injuries caused to the victims are simple and not serious in nature, as is evident from Annexure-3 series. Learned counsel also submits that both parties have amicably settled their dispute and have filed a joint application for compromise before the court of learned Judicial Magistrate 1st class, Vaishali at Hajipur.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are co-sharers having land dispute, case and counter case are existing between them and injuries caused to the victims are simple in nature, I am inclined to grant the privilege of anticipatory bail to the petitioners.



6. This application is, accordingly, allowed.
7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class-cum-Additional Munshif-6th, Vaishali at Hajipur in connection with Patepur PS case no. 123 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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