

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49662 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- BELCHHI District- Patna

1. Babita Devi wife of Lalan Yadav Village- Jodhan Bigha Ps- Belchi Dist- Patna
2. Nitu Devi wife of Tunna Yadav Village- Jodhan Bigha Ps- Belchi Dist- Patna
3. Tunna Yadav son of Makhan Lal Yadav Village- Jodhan Bigha Ps- Belchi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Belchi Police Station Case No. 62 of 2024, disclosing offences under Sections 323, 324, 325, 307, 379, 147, 148, 149, 506, 504 of the Indian Penal Code.

3. On 03.04.2024, at about 7:00 am, informant's son namely Niranjana Kumar was going to his field from his house. On the way near the house of Balbir Yadav, all the FIR named accused persons arrived with deadly weapons. One Tunna Yadav having rifle in his hand assaulted informant's son due to which he sustained injury and his teeth was broken. Lalan Yadav



assaulted informant's son by means of rod due to which he sustained injury on his head and Bulak Yadav assaulted by means of lathi. When informant's mother went there to rescue him, then one Chandradeep Yadav assaulted her by means of gadasa. It has further been alleged that Nitu Devi snatched gold chain from the neck of Usha Devi and Babita Devi took away her ear ring.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. He further submits that both the parties are closed door neighbor and there was a previous land dispute between them. He further submits that the occurrence took place on 03.04.2024 and the FIR was lodged on 04.04.2024 i.e., after a delay of one day. He further submits that there is no specific allegation of assault against petitioner no. 1 and 2. He further submits that against petitioner no. 3, it has been alleged that he assaulted informant's son by means of butt of rifle due to which he sustained injury on his teeth and his teeth was broken.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation of assault against petitioner no. 1 and 2, I am inclined to grant the petitioner nos. 1 and 2 privilege of



anticipatory bail. Insofar as petitioner no. 3 is concerned, there is direct and specific allegation against him that he assaulted son of the informant, I am not inclined to grant anticipatory bail to petitioner no. 3. The same is rejected with respect to petitioner no. 3.

6. This application is, accordingly, allowed to the extent indicated above.

7. Let the petitioners, above named, except petitioner no. 3, 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, Patna, in connection with Belchi Police Station Case No. 62 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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