

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56140 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- RAJPUR District- Buxar

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1. Manoj Rajbhar @ Binod Rajbhar Son of Late Banshnarayan Rajbhar @ Mukteshwar Rajbhar R/o Village- Magrao, P.S.- Rajpur, District- Buxar (Bihar)
 2. Bhukhan Rajbhar Son of Mukteshwar Rajbhar R/o Village- Magrao, P.S.- Rajpur, District- Buxar (Bihar)
 3. Tunu Rajbhar Son of Late Sarvjeet Rajbhar R/o Village- Magrao, P.S.- Rajpur, District- Buxar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s	:	Mr.Harendra Prasad, APP
For the Informant	:	Mr. Anand Kumar Ojha-1, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-09-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Rajpur P.S. Case No. 50/ 2024 dated 15.02.2024 registered for the offence(s) punishable under Section(s) 147, 148, 149, 323, 325, 341, 379 and 307 of the Indian Penal Code.

3. Mr. Sanjay Kumar, learned counsel for the petitioners submits that both the parties are agnates and there is a land dispute between them, in fact, an incident of free fight took place in between the parties resulting in injuries to both the sides and from petitioners' side one Manish Rajbhar sustained injuries who later on underwent a surgery and in this



regard, specific statement has been made in paragraph 10 of the petition and further there is no criminal antecedent against the petitioners. It is further submitted that though in the instant matter three persons are said to have sustained injuries and among them one, namely, Sitaram Rajbhar sustained grievous injury but the said injury was not attributed specifically against any of the petitioners and as per prosecution's case six persons are alleged to have assaulted Sitaram Rajbhar.

4. Mr. Harendra Prasad, learned APP appearing for the State and Mr. Anand Kumar Ojha-1, learned counsel for the informant have vehemently opposed the bail prayer of the petitioners. It is submitted by the informant's counsel that the instant matter relates to an incident of serious assault in which three persons sustained injuries.

5. Having considered the submissions herein noted above and mainly the facts that both the parties are agnates and in between them there is case and counter case and as per F.I.R. a land dispute relating to the construction of house is said to be the genesis of the occurrence and in the alleged occurrence one person from petitioners' side, namely, Manish Rajbhar also sustained injuries and the petitioners have taken a plea that on the alleged date and time of occurrence an incident of free fight



took place between them and petitioners have got fair and clean antecedent, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Rajpur P.S. Case No. 50/ 2024 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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