

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56505 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- DEEPNAGAR District- Nalanda

1. Maya Devi Wife Of Chhote Prasad Resident Of Village - Lal Bag, P.S. - Deep Nagar, District - Nalanda
2. Chhote Prasad Son Of Late Ramdhani Yadav Resident Of Village - Lal Bag, P.S. - Deep Nagar, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudish Kumar, Advocate
For the State	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioners are apprehending their arrest in connection with Deep Nagar P.S. Case No. 173 of 2024, registered for the alleged offence under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the informant and his father, causing injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is case and counter version as Deep Nagar P.S. Case No. 175 of 2024 has been lodged by the daughter of the petitioners



against the informant and others under Sections 341, 323, 379, 504, 506/34 of IPC. Learned counsel further submits that the injuries of the informant and his father are simple and superficial except for one injury received by informant on his left forearm of size 2 cm x 1 cm x 1 cm, which is stated be grievous but it is not on any vital part. Learned counsel further submits that there is land dispute between the parties and a *panchayati* has taken place in the year 2017 but the informant's side has not accepted the said *panchayati*. Learned counsel further submits that petitioner no. 1 is a lady aged about 52 years and petitioner no. 2 is aged about 57 years. The petitioner no. 2 is having antecedent of one case in which he is on bail whereas petitioner no. 1 is having clean antecedent.

05. Learned A.P.P. for the State and learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that injury report of the informant shows lacerated wound over mid brain and occipital region and dimensions of which are 2cm x 1 cm x ½ cm and 3 cm x 2cm x ½ cm respectively. Learned counsel further submits that one of the injuries of the informant has been found to be grievous which is fracture of proximal part of ulna.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



simple and superficial nature of injuries in the background of land dispute and also considering the counter version of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Deep Nagar P.S. Case No. 173 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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