

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58253 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- NIRMALI District- Supaul

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1. LAKSHMI MEHTA SON OF DEEP NARAYAN MEHTA RESIDENT OF VILLAGE MAJHARI WARD NO 5 PS NIRMALI DISTRICT SUPAUL
 2. BALRAM MEHTA SON OF LATE DEBU MEHTA RESIDENT OF VILLAGE MAJHARI WARD NO 5 PS NIRMALI DISTRICT SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-02-2024 1. Heard the parties.

2. The petitioner no. 2 apprehends his arrest in connection with Nirmali P.S. Case No. 219 of 2022 dated 10.11.2022 registered under Sections 147, 149, 341, 323, 325, 307, 452, 379, 380, 504, 506 of the I.P.C.

3. As per the First Information Report the petitioner no. 1 assaulted the husband of the informant by means of iron rod on his body which caused fracture in his right and left wrist and arm and the petitioner no. 2 assaulted with spear on the head of the husband of informant causing head injury.

4. Learned counsel for the petitioners submits that a Co-ordinate Bench of this Court vide its order dated 06.12.2023



taking note of the fact that both the parties are neighbours and there is long standing dispute between them due to land and money granted anticipatory bail to the petitioner no. 1. Insofar as bail application of the petitioner no. 2 (Balram Mehta) is concerned, this court called for final opinion of the doctor with respect to the injury of the husband of the informant caused by the petitioner no. 2. In pursuance of the order of this court final report dated 03.02.2023 has been forwarded vide letter dated 05.02.2024 of the J.M. 1st Class, Birpur, Supaul. From perusal of the injury report it appears that the doctor has not opined regarding the nature of injury as well as the weapon causing such injury, however, the doctor has found injury on the person of the informant's husband as follows:-

“Tenderness (+) over right forearm, left shoulder,
left arm & left forearm.

Stitched wound in temporal area in situ.

Scratch mark over left forearm”

5. Having regard to the injury report and the fact that both the parties are neighbours, there is long standing land dispute between them and the petitioner no. 1 has already been granted anticipatory bail by this Court, as such, I am inclined to grant anticipatory bail to the petitioner no. 2 / Balram Mehta.

6. Let the petitioner no. 2 / Balram Mehta be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class Birpur, District -Supaul in connection with Nirmali P.S. Case No. 219 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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