

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60748 of 2024**

Arising Out of PS. Case No.-272 Year-2023 Thana- HUSSAINGANJ District- Siwan

Lalan Kumar Sahani @ Lalan Mallah, S/o- Bramha Mallah, Resident of
village- Faridpur Mathiya , PS-Hussainganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Hussainganj P.S. Case No. 272 of 2023 registered for the alleged offences under Sections 341, 323, 307, 447 and 504/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons, armed with iron rod, iron pipe and piece of bamboo, assaulted the informant and one Ankit Kumar Singh. Allegation against the petitioner is that he struck Ankit Kumar Singh on his head with iron rod causing injury to him. Other family members of the informant were also assaulted when they came for their rescue.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR, it is evident that the occurrence took place on account of some land dispute. Though there is allegation of striking Ankit Kumar Singh with iron rod against the petitioner but there has been no repetition of blow and there was no attempt on life of any person, hence, no offence under Section 307 of IPC is made out against the petitioner. All other offences as mentioned in the FIR are bailable in nature. Other co-accused persons have been granted anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 23597 of 2024 and order dated 12.07.2024 passed in Cr. Misc. No. 38281 of 2024. Petitioner has got fair antecedent. Petitioner is in custody since 13.06.2024.

05. Learned APP for the State opposes the prayer for bail. Learned APP further submits that the victim received grievous injury which is apparent from the rejection order of the learned Additional Sessions Judge.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and also considering the case and counter case between the parties coupled with the clean antecedent of the petitioner, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IX, Siwan/court concerned in connection with Hussainganj P.S. Case No. 272 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

