

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62114 of 2024

Arising Out of PS. Case No.-475 Year-2023 Thana- BAHERA District- Darbhanga

1. Lalanjee Ram @ Lalanji Ram Son of Bishundeo Ram @ Vishanu Dev Ram R/O Vill.- Haat Gachhi Benipur, P.S.- Bahera, Dist.- Darbhanga.
2. Shyam Babu @ Shyam Babu Ram Son of Bishudeo Ram @ Vishanu Dev Ram R/O Vill.- Haat Gachhi Benipur, P.S.- Bahera, Dist.- Darbhanga.
3. Anurag Ranjan Son of Bishundeo Ram @ Vishnu Dev Ram R/O Vill.- Haat Gachhi Benipur, P.S.- Bahera, Dist.- Darbhanga.
4. Bishundeo Ram @ Vishanudev Ram Son of Late Jagdish Ram R/O Vill.- Haat Gachhi Benipur, P.S.- Bahera, Dist.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary, Advocate
For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-09-2024 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 4, namely Bishundeo Ram @ Vishanudev Ram.

3. Permission, as prayed for, is accorded.

4. Accordingly, this anticipatory bail application on behalf of Petitioner No. 4 stands dismissed as withdrawn.

5. The Petitioner Nos. 1, 2 and 3 apprehend their arrest in a case registered for the offence punishable under



Sections 143, 341, 323, 308, 324, 354B, 504 and 34 of the Indian Penal Code.

6. As per the prosecution case, on 24.12.2023 at about 9 AM, all the F.I.R. named accused persons, including these petitioners, variously armed, abused informant. Upon protest, these petitioners torn the clothes of informant and when the informant fell down on the ground, all the accused persons assaulted her by fists and slaps and in the meantime, co-accused Bishundeo Ram snatched her *Mangalsutra*. It is further alleged that when husband of informant, namely Chunchun Ram, came to save her, Petitioner No. 2, armed with rod and pistol, assaulted on the head of Chunchun Ram, as a result of which he sustained injuries.

7. It is submitted by learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in this case. As a matter of fact, both parties are agnates and there is admitted land dispute between the parties for which, on the alleged date and time of occurrence, a simple *maar-peet* took place, as a result of which both sides sustained injuries. There is case and counter-case. Moreover, allegation of assault is general and omnibus. Petitioner Nos. 1, 2 and 3 claim clean antecedents.



8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the aforesaid facts and circumstances, case and counter-case between the parties and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the Petitioner Nos. 1, 2 and 3 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1, 2 and 3 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with Bahera P.S. Case No. 475 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

11. Accordingly, this application stands disposed of.

(Prabhat Kumar Singh, J)

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