

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62622 of 2024

Arising Out of PS. Case No.-430 Year-2020 Thana- MANER District- Patna

Mukesh Kumar, Son of Arun rai, Resident of Tata Colony Block, P.S.-Maner,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-10-2024 1. Heard Mr. Abhishek, learned counsel for the petitioner and Mr. Kumar Ranjit Ranjan, learned APP for the State.
2. The petitioner apprehends his arrest in connection with Maner P.S. Case No. 430 of 2020 dated 13.08.2020 registered for the offences punishable under Sections 341, 323, 307 read with Section 34 of the Indian Penal Code.
3. Learned counsel appearing for the petitioner submits that the alleged occurrence relates to simple *marpit* and the informant's family is co-sharer of the petitioner and in the FIR, six persons including the petitioner have been named and the allegation as to calling the informant as a witch (*dayan*) is not specific against any of the accused persons including the



petitioner and the said allegation is completely vague and general. Learned counsel further submits that as per the FIR, the informant's son is said to have been assaulted by the accused persons whereas during the investigation the informant's son, in his statement recorded under Section 161 of Cr.P.C., made the specific allegation of assaulting him against co-accused Arun Kumar, so, in view of this statement made by the informant's son, the petitioner did not play any role in assaulting him. It is further submitted that though against the petitioner, there are criminal antecedents of three cases but all the said cases were lodged on behalf of the prosecution's side in which he is on bail. Learned counsel further submits that in between both the parties, there is a land dispute.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the fact that both the parties are co-sharers and against this petitioner, there is no specific allegation in the FIR and as per the injury report of the informant's son, who is said to have been assaulted by the co-accused Arun Kumar, only one abrasion which was opined to be simple in nature was found, in my opinion, it is a fit case for



anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Maner P.S. Case No. 430 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

annu/-

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

