

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70346 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- BUXAR District- Buxar

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Bittu Kumar @ Bittu Gupta @ Bittu Son of Banarsi Prasad Gupta @ Banarasi Halwai @ Banarsi Prasad @ Banarsi Gupta R/o- Ward No.- 12, Ramrekha Ghat, Buxar, P.S.- Buxar Town, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 29-11-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel

for the Petitioner and Mr. Binod Kumar, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Buxar Town P.S. Case No. 360 of 2024 dated 07.07.2024
registered for the offences punishable under Sections 191(2),
191(3), 190, 329(4), 115(2) and 109 of the Bharatiya Nyaya
Sanhita (in short 'B.N.S.').

3. As per prosecution, Surendra Prasad Gupta
(informant) stated that on 07.07.2024 at about 11:20 AM when
the informant was at home, Bittu Kumar @ Bittu Gupta
(petitioner) along with other co-accused persons, armed with
weapons, came to the house of the informant and attacked him



on account of an old land dispute.

4. The main submissions advanced by learned counsel for the petitioner are that though the petitioner is named in the FIR but against him, there is no specific allegation, both the parties are agnates and in between them, there is a land dispute and on the alleged day of occurrence, an altercation took place in between them resulting in the commission of the alleged occurrence, however, now a good sense has prevailed in between them and they have compromised and in this regard, a specific statement has been made in paragraph '8' of the petition and a copy of the compromise petition has been filed as Annexure-P-2 before this Court.

5. On the other hand, learned APP for the State submits that the instant matter relates to brutal assault in which the informant sustained four fracture injuries and the case of this petitioner is completely identical to the co-accused namely, Mantu Prasad Gupta, whose prayer has been rejected by this Bench vide order dated 05.10.2024 passed in Cr. Misc. No. 63445 of 2024.

6. Considering the seriousness of the allegation appearing against this petitioner and mainly taking into account the number of injuries which are said to have been found on the



person of the informant discussed in the order impugned, this Court is not inclined to grant the relief of anticipatory bail to the petitioner, however, considering the aforesaid compromise made by both the parties, the petitioner is given a liberty to surrender before the trial court, if, he surrenders within fifteen days from today then the learned trial court shall decide his regular bail prayer keeping in view the said compromise as well as the genesis of the occurrence and also the fact that both the parties are agnates, accordingly, with this observation, the instant Criminal Miscellaneous Petition stands dismissed.

(Shailendra Singh, J)

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