

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67816 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- POTHIYA District- Kishanganj

1.

Md Pasir @ Md Alam son of Md Ramjan @ Ramjan R/o vill - Jharbari, P.S. - Pothia, Distt. - Kishanganj
2.

Md Kaushar @ Md Koushar @ Md Kaisar S/o Md. Ramjan @ Ramjan R/o vill - Jharbari, P.S. - Pothia, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar
		Mr. Rajeev Ranjan
For the informant	:	Mr. Rajeev Ranjan
For the State	:	Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

24-10-2024

1.

Heard learned Counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Pothia Police Station Case No. 113 of 2024, dated 28.04.2024, disclosing offences under Sections 147/148/149/341/323/324/307/354/504 of the Indian Penal Code.

3.

The present First Information Report has been lodged due to land dispute. On the date of occurrence, the petitioners, along with other accused persons, assaulted the informant's son and other family member. The petitioner no. 1 assaulted Noorjamal by means of spade and the



petitioner no. 2 assaulted the informant's son by means of spade on his head.

4. Learned Counsel for the petitioners submits that both the parties are co-sharer and there is admitted land dispute between them. Counter-case has been lodged by the side of the petitioners against the informant and others, bearing Pothia Police Station Case No. 111 of 2024, which is prior to the present First Information Report. He next submits that the injury attributed to petitioner no. 1, caused to Noorjamal, is grievous in nature, however, injury attributed to petitioner no. 2, caused to the informant's son is simple in nature.
5. On the other hand, learned counsel appearing for the informant and the State vehemently opposes prayer for anticipatory bail and submits that injury caused by the petitioner no. 1 is grievous in nature and the petitioner no. 2 has also assaulted on the vital part of the body of the informant's son.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that injury caused by the petitioner no. 1 is grievous in nature, I am not inclined to grant anticipatory bail to petitioner no. 1. Accordingly his prayer for bail is rejected.
7. In so far as prayer for bail of petitioner no. 2 is concerned,



both the parties are co-sharer, there is land dispute between the parties, case and counter-case is also there and the injury caused by the petitioner no. 2 is simple in nature, accordingly, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

- 8. This application in respect of petitioner no. 2 is allowed.
- 9. Let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 Chief Judicial Magistrate, Kishanganj, in connection with Pothia Police Station Case No. 113 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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