

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75846 of 2024

Arising Out of PS. Case No.-518 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1.

Moti Bind, Son of Bateshwar Bind, R/Vill-Sadaspur, P.O-Akorhi, P.S-Mohania, Dist-Kaimur (Bhabua)
2.

Chhotu Bind @ Chhotu Kumar, son of Bateshwar Bind R/Vill-Sadaspur, P.O-Akorhi, P.S-Mohania, Dist-Kaimur (Bhabua)
3.

Bateashwar Bind, son of Late Sahgu Bind R/Vill-Sadaspur, P.O-Akorhi, P.S-Mohania, Dist-Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Ravi Shankar Sahay, Advocate
Mr. Kanhaiya Rao, Advocate

For the Opposite Party/s :

Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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12-11-2024

Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Mohania P.S. Case No. 518 of 2024 dated 10.08.2024, lodged under Section 115, 126(2), 109, 352, 351(2), 351(3), 3(5) of the BNSS.

3. As per the prosecution, the FIR has been lodged against five named accused persons including the present



petitioners alleging therein that all the accused persons have assaulted the informant by lathi, danda, and iron rod causing head injury. When the son and wife of the informant came to rescue him, the accused persons also assaulted them.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. From the contents of the FIR, it becomes crystal clear that the accusation has been levelled in the background of the land dispute. It is further submitted that the petitioners have specifically pleaded in paragraphs 6 and 7 of the bail petition that there was a pending Title Suit No. 25/2010 which was decided on 06.05.2022 by Sub-Judge VI, Kaimur in favour of the petitioners. Besides this, the petitioners' side lodged Sanha No. 566 of 2024 on 31.07.2024 before the Court of ACJM, Mohania, Kaimur for continuous threat from the informant's side. There is a counter version of the occurrence also being Mohania P.S. Case No. 519/2024 lodged by the petitioners' side. The petitioner is accused in one other criminal case, but in that case, he is on bail.

5. Learned APP for the State opposes the prayer for bail.

6. As such, in the present facts and circumstances of



this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of ACJM 1st Class, Mohania, Kaimur, in connection with Mohania P.S. Case No. 518/2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Ashwini/-

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