

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75855 of 2024

Arising Out of PS. Case No.-386 Year-2024 Thana- ARA NAWADA District- Bhojpur

1. Kaushal Kumar @ Kaushal Kumar Singh Son of Rajesh Kumar Singh
Resident of Village- New Bahiro, PS- Ara, District- Nawada
2. Uday Kumar Son of Rajesh Kumar Singh Resident of Village- New Bahiro,
PS- Ara, District- Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dharendra Singh, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State

2. The petitioners are apprehending their arrest in connection with Nawada P.S. Case No. 386 of 2024, lodged on 05.06.2024, under Sections 341, 323, 324, 504, 307/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners against whom there is an allegation that they have assaulted the informant due to which injury has been caused on his head. The allegation against the petitioner No. 1 is that he has put *gamchha* on the neck and threatened the informant.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that there is general and omnibus allegation against three accused persons, namely, Uday Kumar (petitioner No. 2) and two other accused persons that they have assaulted by iron rod on the back side of the informant and his wife. Counsel further submits that both the petitioners side and informant's side are agnates and they used to reside in large campus and subsequently, after construction of house, the dispute started between the families for path (*raasta*). Counsel further submits that earlier in the year 2023, one case was also lodged from the petitioners' side against the informant's side bearing Ara Nawada P.S. Case No. 99 of 2023 and subsequently, the present case has been lodged by the informant against the informant of earlier case and others. Counsel further submits that he has annexed the injury report as Annexure-P/3 in which the nature of the injury appears to be simple. Counsel also submits that the antecedents of the petitioners are clean.

5. Learned APP for the State opposes the prayer for bail and submits that the cases are not the counter case rather the present case is of the year 2024 whereas the earlier case is of the year 2023. Counsel further submits that from the content of the



FIR it transpires that the dispute has arisen only for path
(*raasta*).

6. As such, considering the aforesaid facts and
circumstances, let the above named petitioners be released on
bail, in the event of arrest or surrender before the learned Court
below within a period of 4 weeks from today, on furnishing bail
bond of Rs.30,000/- (Rupees Thirty Thousand) each with two
sureties of the like amount each to the satisfaction of C.J.M.,
Bhojpur, Ara in connection with Nawada P.S. Case No. 386 of
2024, subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Dr. Anshuman, J)

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