

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75712 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Bhailal Bind Son of Late Mahadev Bind @ Late Bagedu Bind Resident of Village - Lakhmanpur, P.S. - Chainpur, District - Kaimur at Bhabua
2. Mukesh Bind Son of Jamuna Bind Resident of Village - Lakhmanpur, P.S. - Chainpur, District - Kaimur at Bhabua
3. Neta Pyare Bind @ Neta @ Pyare Bind Son of Bhailal Bind Resident of Village - Lakhmanpur, P.S. - Chainpur, District - Kaimur at Bhabua
4. Lovkush Bind Son of Bhailal Bind Resident of Village - Lakhmanpur, P.S. - Chainpur, District - Kaimur at Bhabua
5. Buthu Bind @ Gullu Bind Son of Bhailal Bind Resident of Village - Lakhmanpur, P.S. - Chainpur, District - Kaimur at Bhabua
6. Lucky Bind Son of Amar Bind Resident of Village - Parwatpur, P.S. - Chainpur, District - Kaimur at Bhabua
7. Suresh Bind Son of Ramlal Bind Resident of Village - Bhadaura, P.S. - Chainpur, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-11-2024 Learned Counsel for the petitioners seeks permission for not pressing the anticipatory bail application of petitioner No.7 as this application against petitioner No.7 has become infructuous.

2. Permission is granted.

3. Heard Learned Counsel for the
petitioners and learned Additional Public



Prosecutor for the State.

4. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Chainpur P.S. Case No. 264 of 2024, lodged on 17.07.2024, under Sections 127(1), 115(2), 117(2), 118(2), 109, 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 27 of the Arms Act.

5. As per the prosecution, FIR has been lodged against 14 named accused persons including the present petitioners against whom there is allegation that they have attacked on the informant side for the land, due to which series of persons were injured from the informant's side. Thereafter, the present case has been lodged.

6. Learned Counsel for the petitioners submits that the petitioners and the informant are agnate and a long pending civil disputes are going on between the parties. Counsel submits that a



series of litigation are going on between the parties in this matter. The application was filed before the Janta Darbar in which the Superintendent of Police has submitted a report which is Annexure-4. In the said report, it has come that Title Suit No.317 of 2007 were pending between the parties in which judgment has come and it has been decided that one party shall be entitled for 2/11 part and another party shall be entitled for 9/11 part. Counsel submits that the petitioners are common ancestors of Mahadeo Bind; whereas the informant's side are the ancestors of Nirhu Bind, which is apparent from the report submitted by Superintendent of Police. Counsel for the petitioners submits that for the same date and place of occurrence there are case and counter case from both the sides. One is Chainpur P.S. Case No.264 of 2024 and another is Chainpur P.S. Case No.265 of 2024. The injury took place from both the sides. Counsel submits that antecedent of some of the petitioners are not clean. In this regard description has been



mentioned that all cases were lodged by the informant side itself.

7. Learned Additional Public Prosecutor for the State opposes the prayer for bail but submits that from the report of Superintendent of Police it transpires that there are long pending disputes going on between the parties.

8. In the present facts and circumstances of the case, the petitioners except petitioner No.7, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the learned Court below 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 A.C.J.M.-II, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 264 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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