

Arising Out of PS. Case No.-74 Year-2024 Thana- POTHYA District- Kishanganj

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Pothia Police Station Case No. 74 of 2024, disclosing offences under Sections 341, 323, 324, 326, 307, 354, 504, 34 of the Indian Penal Code.

3. As per the First Information Report, due to land dispute, the petitioner no. 1 and 2 assaulted the son of the informant by means of axe on his head and there is no specific allegation against petitioner no. 3 and 4.



4. Learned Counsel for the petitioners submits that the present FIR has been lodged due to land dispute between the parties which would be evident from the statement made in the FIR itself. A counter case has been lodged by the side of the petitioners bearing Pothia P.S. Case No. 73 of 2024 against the informant and others. The side of the petitioners have also sustained injury.

5. I have heard learned counsel for the parties and have gone through the materials on record. There is specific allegation of assault against petitioner no. 1 and 2 by means of axe on the head of the informant's son and from the impugned order, it appears that informant's son has sustained grievous injury on his head, accordingly, I am not inclined to grant the petitioner nos. 1 and 2 privilege of anticipatory bail. The same is rejected. Considering the fact that no specific overtact has been alleged against the petitioner nos. 3 and 4, I am inclined to grant the petitioner nos. 3 and 4 privilege of anticipatory bail.

6. This application is, accordingly, allowed to the extent indicated above.

7. Let the petitioner nos. 3 and 4, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Kishanganj, in connection with Pothia Police Station Case No. 74 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

8. If petitioner nos. 1 and 2 surrender before the concerned Court and seek regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced by the fact that anticipatory bail of the petitioner nos. 1 and 2 has been rejected by this Court.

(Anil Kumar Sinha, J)

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