

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77099 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Viswajeet Singh @ Vishwajeet Singh @ Vishwajeet Kumar S/O Arvind Singh
Resident of Village- Bheldumra, P.S- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-11-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Ara Muffasil Police Station Case No. 223 of 2024, dated 30.07.2024, disclosing offences under Sections 191(2)/191(3)/190/126(2)/115(2)/109/303(2)/352/351(2) of the Bharatiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 29.07.2024, the petitioner and other accused persons, along with 20 unknown persons, armed with various weapons, arrived at the land of the informant, bearing Plot No. 265, Khata no. 179, Plot No. 453, admeasuring an area of 26 decimal in order to take possession and started construction. Upon protest, the



accused persons attacked the informant and the petitioner, along with other accused Anish Singh pulled him on the ground and pressed his neck. Subsequently, the petitioner and another accused person assaulted the informant and his brother, namely, Ram Kishun Singh, by means of iron rod due to which they sustained injuries.

4. Learned counsel for the petitioner submits that he, along with his family members, have been made accused in this case due to previous land dispute between the parties. He next submits that a Title Suit No. 523 of 2002 is being contested between the parties along with other cases under Section 133 and 147 of the Code of Criminal Procedure. He further submits that allegation against the petitioner is general and omnibus in nature that he, along with two other accused persons, assaulted the informant's brother by iron rod. Referring to the injury report of informant's brother, namely, Ram Kishun Singh, learned counsel submits that the doctor has opined the injury as grievous in nature due to hairline fracture on the left elbow and no significant abnormality is seen in the brain by the doctor. He also submits that counter-case has been lodged by the side of the petitioner, bearing Ara Muffasil Police Station Case No. 222 of 2024, in which the side of the petitioner has also sustained injuries. The petitioner



has got no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is previous land dispute between them, case and counter-case is also there and grievous injury is not on the vital part of the body, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, 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 Additional Chief Judicial Magistrate VII, Bhojpur at Ara, in connection with Ara Muffasil Police Station Case No. 223 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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