

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78166 of 2024

Arising Out of PS. Case No.-622 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Hemant Kumar Singh @ Dablu Singh @ Hemant Kumar S/o Anil Singh R/O
Village- Khambhar (Khamhar) , Ward no. 4 near Sri Ganesh Pustkalay , P.S-
Muffasil, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The state of Bihar Advocate general Bihar Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-12-2024 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 Muffasil Police Station Case No. 622 of 2023,
disclosing offences under Sections 341, 325, 307, 324 and 379
and 34 of the Indian Penal Code.

3. The prosecution case, as per the First Information
Report, is that on 19.10.2023, in the morning while the
informant was cleaning her house, due to previous land dispute,
the petitioner along with other co-accused persons arrived with
pistol, iron-rod and axe in their hands and assaulted the
informant's husband. The co-accused Kanhaiya Kumar



assaulted by means of axe on the head of informant's husband and petitioner has assaulted by means of iron rod on the leg of informant's husband, due to which his left leg was broken.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the previous land dispute. He further submits that there was a delay of four days in lodging the First Information Report which shows the malice intention. He next submits that the fardebayan of the victim has not been recorded in the hospital. He further submits that the allegation of assault is not on the vital part of the body of the informant and from perusal of the impugned order, injury report was not furnished by the prosecution before the learned Additional Sessions Judge XI, Begusarai.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the present incident has taken place due to previous land dispute between the parties and the allegation of assault against the petitioner is not on the vital part of the body and the prosecution has failed to produce the injury caused to the victim, 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 Chief Judicial Magistrate, Begusarai, in connection with Muffasil Police Station Case No. 622 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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