

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80557 of 2023

Arising Out of PS. Case No.-464 Year-2023 Thana- BANKA District- Banka

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1. MOHAN SAH @ MOHAN KUMAR SAH son of Umesh Sah Village- Shimra Kura Po- baliya Mahra Ps- Banka Dist- Banka
 2. UMESH SAH SON OF DHIBU SAH Village- Shimra Kura Po- baliya Mahra Ps- Banka Dist- Banka
 3. LUTAN SAH SON OF GUNO SAH Village- Shimra Kura Po- baliya Mahra Ps- Banka Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Mishra
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 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 Banka Police Station Case No. 464 of 2023, dated 08.07.2023, disclosing offences punishable under Sections 143/149/341/323/324/448/307/379 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that due to land dispute, the petitioners, along with other co-accused persons, total fifteen in numbers, assaulted the informant and his family members by means



of farsha, axe, iron rod etc. The accused persons also took away Rs. 1,52,000/- and ornaments from the house of the informant.

4. Learned Counsel for the petitioners submits that there is admitted land dispute between the parties, as would be evident from the First Information Report itself. He further submits that the allegation against the petitioners is general and omnibus in nature; whereas the specific allegation of assault is against other co-accused persons, namely, Chandan Sah, Bhola Sah, Raj Kumar, Vishnu and Krishna. He next submits that there is a counter case also, lodged by the side of the petitioners, for the occurrence which took place on the same date and time. He, referring to the injury reports, at Annexure 2 series, submits that the injuries caused to the victims are simple in nature, except one injury caused to the injured Ganesh Sah, regarding which the opinion has been kept reserved.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is no specific allegation against the petitioners, there is case and counter case, previous land dispute is also there between the parties and the injuries caused to the



victims are simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, 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, Banka, in connection with Banka Police Station Case No. 464 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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