

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77856 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- THARTHARI District- Nalanda

Raushan Kumar S/o- Dullar @ Dularchand Yadav Village- Dastupur, Police
Station- Tharthari, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail, arises out of Tharthari P.S. Case No. 93 of 2024, dated 18.07.2024, disclosing offences under Sections 191(2), 191(3), 190, 352, 351(3) and 109 of the Bhartiya Nyaya Sanhita read with Section 27 of the Arms Act.

3.The prosecution case, as per the First Information Report, is that on 18.07.2024 in the morning while the informant was at his field grazing his buffalo, due to previous land dispute, all accused persons including the petitioner arrived there with holding arms in their hand, in the meanwhile, co-accused Dullar @ Dularchand Yadav chased and fired upon the informant, due to which he sustained gun shot injury on his chest.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to the previous land dispute, all the family members have been made accused in the present case. The specific allegation of firing upon the informant is against the co-accused Dullar @ Dularchand Yadav who happens to be the father of the petitioner. A counter-case has been lodged by the side of the petitioner against the informant and others bearing Tharthari P.S. Case No. 94 of 2024. From the side of the petitioner, informant Simitri Devi has sustained gun shot injury. The petitioner is having no criminal antecedent and he is a student studying in B.A. Part-I, Session-2023-27. A title suit bearing Title Suit No. 69 of 2022 is pending between the parties.

5. Having regard to the submissions made on behalf of the parties, taking into consideration the nature of allegation against the petitioner, the fact that there is previous land dispute between the parties, counter-case has been lodged, title suit is pending between them, the specific allegation of assault is against the co-accused and the petitioner is a student, 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 Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judcial Magistrate-I, Hilsa (Nalanda)/court concern, Hilsa (Nalanda), in connection with Tharthari P.S. Case No. 93 of 2024, subject to the condition laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

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