

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79114 of 2024

Arising Out of PS. Case No.-82 Year-2021 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Sujit Kumar Son of Shivnandan Mehta Resident of Balahampur, Police
Station- Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-12-2024 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 Bakhtiyarpur (BKP) Police Station Case No. 82 of
2021, disclosing offences under Sections 341, 323, 308, 385,
504, 506, 34 of the Indian Penal Code.
3. As per the prosecution case, on 10.02.2021, while
the informant was cutting soil with the tractor in his land,
petitioner along with other accused persons came there with
weapons in their hands started abusing him. The petitioner is
said to have assaulted the informant by farsa blow on the head
of informant.
4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case due to land dispute between the parties. Both the parties are co-villagers and a counter case has been lodged by the side of the petitioners bearing Bakhtiyarpur P.S. Case No. 83 of 2021. During the course of investigation, the police gave advantage of Section 41(A) Cr.P.C. to the petitioner and the petitioner co-operated in the investigation, however, the police submitted charge sheet under Section 308 and other allied Sections in which cognizance has been taken by the learned Magistrate as such, petitioner is having apprehension of arrest. The injury caused to the informant on his head is simple in nature.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was given advantage of Section 41(A) Cr.P.C. during investigation and he co-operated in the investigation, 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa, in



connection with Bakhtiyarpur (BKP) Police Station Case No. 82
of 2021, subject to the condition laid down under Section 438
(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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