

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79010 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- HATHAURI District- Muzaffarpur

1. Ram Lakshan Singh @ Ramlachan Singh S/o- Late Ramswarath Singh @ Ramswarath Singh Resident of village- Sohijan Post- Amma Ps-Hathauri Dist-Muzaffarpur
2. Amit Kumar @ Monu Kumar S/o- Ramlachan Singh Resident of village- Sohijan, W.No- 4, Post- Amma Ps-Hathauri Dist-Muzaffarpur
3. Ram Bhawan Singh S/o- Late Ramaswarth Singh @ Ramsawarath Singh Resident of village- Sohijan Post- Amma Ps-Hathauri Dist-Muzaffarpur
4. Prince Kumar @ Pintu Kumar @ Chintu Kumar S/o- Ram Bhawan Singh Resident of village- Sohijan Post- Amma Ps-Hathauri Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Shashi Priya, Advocate
	:	Mr.Ritwaj Raman, Advocate
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For the Informant	:	Mr.Abhay Kumar, Advocate
	:	Mr.Sanjeev Anand, Advocate
	:	Mr.Chandrashekhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Hathauri PS case no. 89 of 2024, disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 28.05.2024, the accused persons including



10-15 unknown persons gathered near the mango orchard and started assaulting one Shambhu Mandal. On halla, when the informant reached there, petitioner no. 1 assaulted him by means of spear in his stomach, petitioner no. 2 assaulted him on his nose by means of butt of pistol, petitioner no. 3 inflicted farsa blow upon the head of the informant and one Shambhu Mandal and petitioner no. 4 assaulted the informant's brother by means of khanti.

4. Learned Counsel for the petitioners submits that there is long standing land dispute between the parties and a measurement case bearing Measurement Case No. 117/2023-24 was initiated before the learned Circle Officer, Katra, Muzaffarpur, which would be evident from Annexure-3, annexed to this petition. Learned counsel further submits that a counter case has been lodged by the wife of petitioner no. 1 against the informant and others and petitioners' side has also sustained injury due to the assault made by the prosecution side.

5. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that the informant and other victim have sustained grievous injury due to the assault made by the petitioners. He produced a copy of the injury report, from perusal of which, it appears that



informant has sustained grievous injury on his forehead, which is attributable to petitioner no. 3, who assaulted by means of farsa upon the head of informant (Ranjit Singh).

6. Heard learned counsel for the parties and perused the materials available on record. It appears that the allegation against petitioners no. 1 and 2 is that they assaulted the informant in his stomach and nose, respectively but no apparent injury has been found on the stomach and nose of the informant.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the allegation made in the F.I.R. and the injury report, it appears that no injury has been found on the stomach and nose of the informant I am inclined to grant the privilege of anticipatory bail to the petitioners no. 1 and 2.

8. Insofar as petitioner no. 4 is concerned, the allegation against him is that he assaulted the informant by means of khanti, due to which, his right hand was broken but upon perusal of the injury report, it appears that though the injury has been found as grievous but swelling and deformity have been found on the right hand and forearm and lacerated wound has been found on the left hand, 4th and 5th digit, however the same are not on the vital parts of the body. Accordingly, I am



also inclined to grant anticipatory bail to petitioner no. 4.

9. Insofar as the injury caused to informant on his head is concerned, it has been found grievous and is attributable to petitioner no. 3, hence I am not inclined to grant the privilege of anticipatory bail to petitioner no. 3, hence the same is rejected. However, if petitioner no. 3 surrenders and seeks regular bail before the learned trial court, the same may be considered by the learned trial court without being prejudiced by the fact that the anticipatory bail application of petitioner no. 3 has been rejected by this Court.

10. This application is, partly, allowed.

11. Let petitioners no. 1, 2 and 4, abovenamed, in the event of their arrest or surrender before the Court below within six 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 J.M. 1st class-X, Muzaffarpur in connection with Hathauri PS case no. 89 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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