

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78379 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- BIRPUR District- Supaul

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1. SANJAY MEHTA @ SANJAY KUMAR MEHTA S/O DEVENDRA MEHTA VILLAGE- SITAPUR, PS. BIRPUR, DIST. SUPAUL
 2. PANKAJ MEHTA @ PANKAJ KUMAR BHARTI S/O BHOLA MEHTA VILLAGE- SITAPUR, PS. BIRPUR, DIST. SUPAUL
 3. UMESH MEHTA @ UMESH PRASAD MEHTA S/O KRIPA RAM MEHTA VILLAGE- SITAPUR, PS. BIRPUR, DIST. SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 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 Birpur Police Station Case No. 377 of 2022, dated 24.11.2022, disclosing offences punishable under Sections 341/323/379/654-B/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 24.11.2022, while the petitioners were ploughing the maize field by means of tractor, upon objection being raised by the informant, accused persons



assaulted the informant and his wife and the petitioner no. 1 caught hold the informant's wife and threw her on the ground, the petitioner no. 2 torn her clothes and assaulted the informant on his legs by means of iron-rod and the petitioner no. 3 assaulted on the back of the informant by means of iron-rod.

4. Learned Counsel for the petitioners submits that there is admitted land dispute between the parties, which would be evident from the First Information Report itself. No injury has been caused to the informant and/or his wife inasmuch as no injury report has been brought by the prosecution during the course of investigation. The First Information Report has also not been lodged under Section 307 of the Indian Penal Code; rather, the First Information Report has been lodged under Sections 323/379/354-B of the Indian Penal Code. He further submits that the allegation of snatching Rs. 25,000/- and one gold chain by the petitioner no. 1 is concocted and ornamental. He next submits that there is case and counter case between the parties inasmuch as from the side of the petitioners, Birpur Police Station Case No. 378 of 2022 has been lodged against the informant and others.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, there is case and counter case pending between the parties and no apparent injury has caused to the informant and/or his wife, 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 1st Additional Chief Judicial Magistrate, Birpur, in connection with Birpur Police Station Case No. 377 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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