

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80211 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Amarnath Singh Son of Late Tuno Prasad Singh Resident of Village- Khurhan, P.S. - Alamnagar, District - Madhepura
2. Manish Kumar Singh Son of Amarnath Singh Resident of Village- Khurhan, P.S. - Alamnagar, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that on 05.06.2024 at about 03:00 hours in daytime, when the informant was mending his house, then the accused persons including the petitioners along with 4-5 unknown persons came and started abusing and assaulted the informant's side.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. He submits that there is case and counter case between the parties. He further submits that the occurrence took place on 05.06.2024 whereas the present F.I.R. was lodged on 12.06.2027 after delay of seven days and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Alamnagar P.S. Case No. 232 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. Considering the facts and circumstances of case and the fact that the petitioner no. 2 is said to have assaulted the informant by means of rod causing fracture on his right leg, which is grievous in nature, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 2 is hereby rejected.

8. However, if the petitioner no. 2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that both the parties are agnates and there is admitted land dispute between the parties.

9. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

