

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81727 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- PARBATTa District- Khagaria

1. Munna Singh @ Rajneesh Singh Son of Late Viveka Singh Resident of Village - Nayagown, Satkhitti, P.S. - Parbatta, District - Khagaria
2. Kunal Kumar Son of Munna Singh @ Rajneesh Singh Resident of Village - Nayagown, Satkhitti, P.S. - Parbatta, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-12-2024 1. Heard the parties.

2. The petitioners apprehend arrest in connection with Parbatta P.S. Case No. 490 of 2023 registered under Sections 341, 323, 324, 325, 308, 504, 506 / 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the first information report on 24.10.2023 at about 9:00 P.M. the petitioners alongwith other accused persons entered into the house of the informant and started abusing him. On protest, the petitioner no. 1 along with the co-accused Vikky Kumar opened fire, which did not hit anybody. The informant went to Police Station and gave written information. It is further alleged that when the informant returned from the Police Station



and was taking dinner, the petitioners along with the other accused persons armed with weapons again came and started abusing and assaulting as a result of which the informant's brother sustained fracture injury in his right hand.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to dispute regarding land between the informant and the agnates of the petitioners. There is delay in lodging the F.I.R. inasmuch as the occurrence has taken place on 24.10.2023 but the F.I.R. has been lodged after two days on 26.10.2023 that too after lodging of the counter F.I.R. by the side of the petitioners. Learned counsel submits that on 25.10.2023 Parbatta P.S. Case No. 488 of 2023 has been lodged against the informant and others by the petitioner no. 1 for an occurrence which has taken place on 25.10.2023 in which firing was resorted to by the side of the informant for which Police was called by dialling 112. Learned counsel next submits that allegation against the petitioners is general and omnibus in nature and injury caused to the victim is not on the vital part of the body.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is land dispute between them, case and counter case is there, F.I.R. lodged by



the side of the petitioners is prior in time and injury caused to the victim is not on the vital part of the body, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Khagaria in connection with Parbatta P.S. Case No. 490 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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