

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80623 of 2024

Arising Out of PS. Case No.-307 Year-2024 Thana- KISHANGANJ District- Kishanganj

1. Amit Kumar Agrawal @ Amit Agrawal S/O Mahesh Kumar Agrawal R/O- Ward No. 13, Dharamshala Road, Kishanganj, Opposite of Thirani Shiv Mandir, P.S and P.O - Kishanganj, Dist-Kishanganj, Bihar
2. Anant Paswan @ Nandu Paswan S/O Kishan Paswan R/O Village- Ward No. 2, Kajlamani, P.S and P.O- Kishanganj, Distt.- Kishanganj, Bihar.
3. Md. Imtiyaz Alam @ Imtiyaz Alam S/O Md. Mustaque R/O Village- Ward No. 31, Hawaiadda Road, P.S and P.O- Kishanganj, Distt.- Kishanganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Vikram Rana, Advocate Ms. Misha Bharti, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-12-2024 Learned counsel for the petitioners seeks permission to withdraw this Cr. Misc. application for the petitioner no.1, namely, Amit Kumar Agrawal @ Amit Agrawal as the accused- petitioner no.1 has been arrested during pendency of this application.

2. Permission is granted.

3. Accordingly, this Cr. Misc. application is dismissed as withdrawn as it becomes infructuous for petitioner no.1.

4. Heard learned counsel for the petitioner nos. 2 &3,



learned A.P.P. for the State and learned counsel for the informant.

5. The petitioner nos. 2 & 3 apprehend their arrest in connection with Kishanganj P.S. Case No.307 of 2024 instituted under Sections 308(5), 126(2), 127(2), 115(2), 117(2), 109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

6. As per the prosecution case, the informant entered into an agreement with accused-petitioners and one co-accused Sunny Arya to purchase a piece of land for which the informant paid Rs.51,00,000/- to them. It is further alleged that when informant requested the accused persons to register the land in favour of him and they almost denied him getting the land registered. Later on, when the informant sent a notice to petitioners, they called him in the chamber of one Shankar Pal where they came armed with weapons and pointed pistol upon the temple of informant and told him that neither the land will be registered nor the money will be returned. They also assaulted informant with sharp weapon and iron rod due to which he got injured.

7. Learned counsel for the petitioners submits that petitioner nos. 2 & 3 are innocent and have been falsely



implicated in this case due to land dispute between the parties. The injury on the injured is simple in nature. He further submits that no arms or any incriminating articles have been recovered from the place of occurrence or from the possession of the petitioner nos. 2 & 3. The petitioner nos. 2 & 3 have no criminal antecedent and they undertake to co-operate in the investigation.

8. Learned A.P.P. for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj / Concerned Court in connection with Kishanganj P.S. Case No.307 of 2024, subject to the conditions laid down in Section 482(2) of Bharatiya Nagrik Suraksha Sanhita (B.N.S.S.)-2023.

(Sunil Dutta Mishra, J)

ashishkr/-

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

