

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81640 of 2023

Arising Out of PS. Case No.-349 Year-2023 Thana- MASHRAK District- Saran

Baijnath Singh, Son of Late Rampravesh Singh, Resident of Village- Chand
Barwa, P.S. Masrakh, District- Chhapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate
		Mr. Abhijeet Kumar Rahul, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Y.C. Verma, learned senior counsel, duly
assisted by Mr. Abhijeet Kumar Rahul, learned counsel for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Masrakh P.S. Case No. 349 of 2023 registered
for the offences punishable under Sections 341, 323, 307,
379/34 of the Indian Penal Code.

3. The allegation against the petitioner is of holding
gun and making exhortation, leading to assault made by other
accused persons to the informant.

4. It is submitted on behalf of the petitioner that
admittedly even as per the narrations in the F.I.R., save and
except the allegation that the petitioner was holding gun in his



hand and made exhortation, there is no allegation that he has assaulted any of the person, including the informant. Learned senior counsel further submits that in fact the petitioner, being the head of the family, aged about 73 years, made accused in this case only in order to wreck vengeance and pressurize him. He further submitted that there is a serious land dispute between both the parties, wherein the petitioner has also filed T.S. No. 353 of 2023 against the persons of the informant and both the parties are close agnates. On account of land dispute, proceeding under Sections 107 and 144 Cr.P.C. are also going on. Moreover, the present case is nothing but counter blast to Masrakh P.S. Case No. 329 of 2023. He lastly submits that the petitioner is also accused in connection with Masrakh P.S. Case No. 468 of 2022, in which he is on bail.

5. On the other hand, learned APP for the State opposes the bail application and submits that

6. Regard being had to the submissions made on behalf of the parties and considering the serious land dispute between the parties, resulting into lodging of case and counter case, coupled with the fact that there is no allegation of any overt act against the petitioner, save and except the exhortation made by him, let the petitioner, named above, in the event of his



arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Saran at Chapra in connection with Masrakh P.S. Case No. 349 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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