

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81601 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- KAMTAUL District- Darbhanga

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Bikram Kumar, S/O Anil Sah @ Anil Kumar, Village- Kamtaul, Ps. Kamtaul,
Dist. Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Girish Chandra Jha, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kamtaul P.S. Case No. 02 of 2023, registered for the
offences punishable under Sections 341, 323, 324, 379, 354(B),
504, 506/34 of the Indian Penal Code.

3. Allegedly while the accused persons in order to
grab the land of the informant, came there and started
cultivating over it, the informant made protest, whereupon, the
petitioner made indiscriminate assault by means of iron rod over
his head due to which he sustained serious injury. Further
allegation has been leveled against other accused persons of
assault and snatching of valuables.



4. Learned counsel appearing on behalf of the petitioner submits that from the narratives in the F.I.R. it is evident that there is admitted land dispute between the parties, leading to issuance of prohibitory order under section 144 of the Code of Criminal Procedure. Furthermore, on account of scuffle which took place between persons of both the sides, there is a case and counter case being instituted by mother of the petitioner, bearing Kamtaul P.S. Case No. 01 of 2023 which is in earlier point of time. He further drew the attention of this Court to the injury report, the copy of which is marked as annexure P/4, suggesting all the injuries sustained to the informant and others are simple in nature. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been leveled against the petitioner of causing injury, which is also corroborated from the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the case and counter case, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in



the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 02 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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