IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83686 of 2024

Arising Out of PS. Case No.-428 Year-2024 Thana- MUFFASIL District- West Champaran

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Sumit Kumar Son of Suresh Sah @ Surendra Sah Resident of Village - Ranipakdi, Police Station - Muffasil, District - West Champaran.

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bettiah Muffasil P.S. Case No.428 of 2024 dated 26.08.2024 instituted for the offence punishable under Sections 341, 323, 354(B), 379, 504, 34 the Indian Penal Code. Later on, Section 307 of the IPC is also added.

3. The prosecution case, in short, is that informant was going to Bettiah Clinic from his village. As soon as he left his house, his Pattidar Amit Kumar met him in front of his house and started abusing him. When the informant protested all the accused person named in the FIR together started beating him. Amit Kumar attacked him on the head with an iron rod, due to

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which he sustained severe head injury. All the accused person assaulted him with sticks, rods and iron rods and left him unconscious. When his wife Chanchal Devi came to save him, they assaulted her too. Anirudh Kumar tore his wife's saree and blouse and made her half naked. Surendra Sah snatched his wife's *Mangalsutra*. When the people from the nearby areas came, the accused people ran away from there. On the basis of the above written application, an FIR has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Further submission is that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence and there is specific allegation against the co-accused, Amit Kumar, that he assaulted on the head of the informant. It is next submitted that there is land dispute between petitioner and informant. Further submission is that the injuries sustained by the informant is grievous in nature. Lastly, it has been submitted that petitioner has no criminal antecedent.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in

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the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bettiah Muffasil P.S. Case No.428 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Prakash Narayan

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