

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.96 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- NARHATT District- Nawada

1. Vikash Kumar Son of Rambalak Prasad Resident of Village- Miyan Bigha, P.S.- Nardiganj, District- Nawada
2. Bipin Kumar son of umesh prasad yadav Resident of Village- Shakti Bigha, P.S. Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manmohan Kumar, Advocate
For the Informant	:	Mr. Arjun Prasad, Advocate
For the State	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2024 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Narhat P.S. Case No. 302 of 2023, disclosing offences under Sections 147, 149, 341, 448, 323, 307, 325, 504 and 506 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, that on 30.06.2023, while informant was sleeping in his house the accused persons named in the First Information Report, entered into the house of the informant abused him and when objected by the informant, Sajan Kumar inflicted Gadasa blow causing injury on three places on the head of the



informant, thereafter, Pappu Kumar and Dippu Kumar assaulted with lathi and swords when informant's mother intervened Sajan Kumar and Pappu Kumar, assaulted her with lathi and bricks on her abdomen due to which she became unconscious. Meena Devi, Pako Devi, Sajan and Pappu also assaulted the informant and his mother which caused fracture on her right wrist. Four unknown persons, at the behest of the named accused persons also arrived there on motorcycle and they assaulted father, mother and sister of the informant. Two motorcycles have been found parked near the house of the informant.

4. Learned counsel for the petitioners submits that they are not named in the First Information Report, and they have been made accused on the basis of the fact that they happened to the owner of the motorcycle, which was found parked near the house of the informant. He next submits that there is a land dispute between named accused persons in the First Information Report, and the informant. The specific allegation of assault, causing injury to the mother of the informant is upon Pappu Kumar. The injuries caused to the informant and his father and sister are simple in nature except the injury caused to his mother which has been found grievous but not upon the vital part of the body. There is no allegation,



that the petitioners assaulted the mother of the informant causing injury on her wrist.

5. On the other hand, learned counsel for the State and informant vehemently oppose the prayer for bail of the petitioners and submits that the petitioners are anti-social elements and they arrived on the motorcycle near the place of occurrence at the behest of the other accused persons and assaulted the father, mother and sister of the informant.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is a land dispute between the parties, petitioners are not named in the F.I.R., the allegation of assault is upon other named accused person, the injury caused to father, sister and informant are simple in nature and the injury caused to the mother on the wrist which is non-vital part of the body, petitioners having no criminal antecedent, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate,
1st Class, Nawada, in connection with Narhat P.S. Case No. 302
of 2023 subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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