

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. Kamleshwar Prasad Son of Late Paras sah vill-Kabirpur PS- Mohammadpur Dist-Gopalganj
2. Anup Kumar @ Anup Kumar Gupta Son of Ramesh Prasad vill-Kabirpur PS- Mohammadpur Dist-Gopalganj
3. Ramesh Prasad @ Ramesh Kumar Gupta Son of Late Mansaran Sah vill-Kabirpur PS- Mohammadpur Dist-Gopalganj
4. Ravi Shankar Prasad Son of Kamal Prasad vill-Kabirpur PS- Mohammadpur Dist-Gopalganj
5. Sarshwati Devi Wife of Sonu Kumar vill-Kabirpur PS- Mohammadpur Dist-Gopalganj
6. Rinku Devi Wife of Ravi Shankar Prasad vill-Kabirpur PS- Mohammadpur Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2024 Heard Mr. Subhash Kumar, learned counsel for the petitioners and Ms. Suman Kumari, learned Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners submits that during pendency of this application, petitioner no.1, Kamleshwar Prasad has been arrested by the police and this application against him has become infructuous. Accordingly, learned counsel seeks permission to withdraw this application for anticipatory bail against petitioner no. 1.



3. Permission is accorded.

4. This application, accordingly, stands dismissed as withdrawn against petitioner no.1, Kamleshwar Prasad.

5. So far as petitioners no. 2 to 6 are concerned, they apprehend their arrest in connection with Mohammadpur PS Case No. 148 of 2023 dated 20.06.2023 registered for the offence punishable under Sections 341, 323, 307, 504, 506/34 of the IPC.

6. As per FIR, co-accused, Kamleshwar Prasad and Ravi Shankar Prasad assaulted the informant's wife and daughter by means of rod and when the informant intervened, petitioners no. 2, 3, 5 and 6 assaulted the informant by means of *Lathi* and iron rod.

7. Learned counsel for the petitioners submits that both the parties are co-sharers and there is land dispute between them. A counter case has also been lodged by the side of the petitioners against the informant and others bearing Mohammadpur PS Case No. 147/2023 (Annexure-2), which is prior in time to the present case. The injuries caused to the informant and his daughter are grievous in nature. The allegation against petitioners no. 2, 3, 5 and 6 are general and omnibus in nature. Learned counsel further submits that from



the side of the petitioners two persons have sustained injuries.

8. Regard being had to the submissions made by the parties, taking into consideration the fact that both the parties are agnates, there is case and counter case and land dispute between them is going on for which a title suit is pending, I am inclined to grant anticipatory to the petitioners. Accordingly, the same is allowed.

9. Accordingly, in the event of arrest/surrender before the court below within six weeks from today, the petitioners, namely, 1. Anup Kumar @ Anup Kumar Gupta, 2. Ramesh Prasad @ Ramesh Kumar Gupta, 3. Ravi Shankar Prasad, 4. Sarshwati Devi and 5. Rinku Devi shall be released on anticipatory 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 Additional Chief Judicial Magistrate-VII, Gopalganj, in connection with Mohammadpur PS Case No. 148 of 2023, subject to the condition as laid down under Section 438(2) of the CrPC.

(Anil Kumar Sinha, J)

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