

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86682 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- MANSI District- Khagaria

Nitish Kumar @ Nitish Sah @ Nitish Sah @ Nitish Kumar S/o- Nehru Sah
Resident of Village- Chakhussaini, Nagar Panchayat, P.S.- Mansi, District-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the informant	:	Mr. Santosh Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Mansi PS case no. 107 of 2023, disclosing offences
punishable under Section 307 and other allied sections of the
Indian Penal Code.
3. The prosecution story, as per the First Information
report, is that while the informant was sitting at her house, the
petitioner along with 18 other co-accused persons entered into
the house of the informant and on the order of accused Dipak
Kumar Vidyarthi, all accused persons assaulted the informant
and her two sons by means of *lathi*, *danda* causing head injury
to them. It has further been alleged that petitioner caught the



hair of the informant, torn her clothes and looted household articles.

4. Learned Counsel for the petitioner submits that both parties are agnates/ co-sharers and there is land dispute between them. It is further submitted that informant's side wants to encroach the common passage/ road of the village, which was being opposed by the petitioner's side, due to which, scuffle took place between the parties and a counter case bearing Mansi PS case no. 108 of 2023 has also been lodged by the petitioner's side against the informant and her sons. It is next submitted that injuries caused to the informant and her two sons are simple in nature, as is evident from the injury reports annexed as Annexures 3, 4 and 5. He also submits that in the F.I.R. lodged by the petitioner's side, both accused persons have been granted anticipatory bail by the learned court of Additional Sessions Judge-1st, Khagaria in A.B.A. no. 606 of 2023.

5. On the other hand, learned counsel for the informant submits that the petitioner does not deserve anticipatory bail, inasmuch as there is specific allegation against him that he caught hair of the informant, torn her clothes and looted household articles.

6. Regard being had to the submissions made on



behalf of the parties and taking into consideration the fact that both parties are agnates, land dispute is existing between them and the injuries caused to the informant and her two sons are simple in nature, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi PS case no. 107 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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