

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10559 of 2025

Arising Out of PS. Case No.-353 Year-2024 Thana- BACHHWARA District- Begusarai

Kundan Kumar S/o Birendra Rai R/o Village - Behrampur, P.S.- Bachhwara,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-02-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Bachhwara PS case no. 353 of 2024, disclosing
offences punishable under Section 109 and other allied sections
of the B.N.S. Act.
3. The prosecution story, as per the First Information
Report, is that on 11.10.2024, petitioner along with other
accused persons and 30-40 unknown persons arrived and
attacked the informant and his family members with lathi, bhala,
danda, bricks etc. It is alleged that three motorcycles standing at
the door of the informant were also damaged. The petitioner
along with other co-accused Vijay Kumar Rai resorted to firing.
It is also alleged that the petitioner had snatched mobile phone.



4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to long standing land dispute between the parties, which would be evident from the First Information Report as well as counter case lodged by the petitioner's side bearing Bachhwara PS Case No. 355 of 2024. Learned counsel further submits that the petitioner's side had purchased 1^{1/2} bighas of land about 20 years back and the informant's side tried to forcibly grab the land, due to which, scuffle took place. He next submits that the allegation of theft upon the petitioner is ornamental in nature. He also submits that similarly situated co-accused Vijay Kumar Rai has been granted anticipatory bail by this Court vide order dated 07.02.2025, passed in Cr. Misc. No. 5907 of 2025. The petitioner is stated to be having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that case and counter case is existing between the parties as also the fact that the petitioner has a clean antecedent and similarly situated co-accused person has already been granted bail by this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.



7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six 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 C.J.M. Begusarai in connection with Bachhwara PS case no. 353 of 2024, subject to the condition laid down under Section 482 of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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