

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76197 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- KANHAULI District- Sitamarhi

1. Anisha Kumari Anu @ Anu @ Nishu @Anisha Kumari W/o- Utkarsh Raj @ Rahul Kumar Resident of mohalla-Kailashpuri ward no 45, new 09 old Ps- Dumra District- Sitamarhi
2. Utkarsh Raj @ Rahul Kumar Son of Late Heera Prasad Singh Resident of mohalla-Kailashpuri ward no 45, new 09 old Ps- Dumra District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-01-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehends their arrest in connection with Kanhauli P.S. Case No. 111 of 2024 lodged on 12.08.2024, for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners



against whom there is an allegation that they have assaulted the informant and his family members by means of sticks (*lathi & danda*) and iron rod.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that informant himself disclosed in the FIR that he was sitting at his door at night and land dispute was going on between the parties for which, *panchayati* has also taken place. Counsel submits that for the same date and place of occurrence, there is case and counter case, i.e. one case has been lodged from the petitioner's side bearing Kanhauli P.S. Case No. 113 of 2024 and one case has been lodged from the informant's side bearing Kanhauli P.S. Case No. 111 of 2024. Counsel further submits that petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is case and counter case and land dispute is an admitted fact. Counsel further submits that on previous occasion, case diary as well as final injury report has been called for and from the injury report, it transpires that the injuries are simple in nature.

6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on



anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Sitamarhi, in connection with Kanhauli P.S. Case No. 111 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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