

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74066 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- PALANWA District- East Champaran

1. Vishal Singh @ Vishal Kumar Singh S/o Vikrama Singh Resident of village-
Laukariya, P.S. - Palanwa, Distt. - East Champaran
2. Nand Kishore Singh S/o Vikrama Singh Resident of village- Laukariya, P.S.
- Palanwa, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Gauri Shankar Thakur, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioners, learned APP for
the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 308(2), 109, 352, 351(2), 3(5) of the BNS, 2023.

3. The allegation in the FIR is that when the informant
objected to the plantation of paddy in his agricultural land, the
accused persons who are the present petitioners raised a claim
that as a matter of fact, they were the bona fide owners of the
land and upon a confrontation between them, petitioner no.1
assaulted the informant by means of *lathi* on his thigh and
stomach while petitioner no.2 hit him on his head by a *lathi*.



4. Learned counsel for the petitioners submits that it would be apparent from bare perusal of the FIR that as a matter of fact, the petitioners were cultivating the land and it was the informant who arrived subsequently and protested to the same whereupon the confrontation started. It is further submitted that there is a bona fide dispute of land and the petitioners and the informant are relatives. The injury report of the informant also indicates that the informant has received simple injuries caused by hard and blunt substances. It is next submitted that petitioner no.2 is a constable posted at Chhattisgarh whose documents have also been brought on record by way of Annexure-2.

5. Learned APP for the State and learned counsel appearing for the informant, however, oppose the grant of anticipatory bail to the petitioners submitting that the petitioners are indulging into an act of assault and extortion and not letting the informant have a peaceful possession of his own land.

6. Considering the bona fide land dispute and also the nature of injuries, I am inclined to grant the privilege of anticipatory bail to the petitioners who have no criminal antecedent. 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 the learned lower Court where the case is pending/successor Court in connection with Palanwa P.S. Case No. 104 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, the petitioners would not further indulge in any act of assault with the informant and if the same is done and any concrete and substantial evidence of the same is brought on record, the learned Court below would be at liberty to initiate proceeding for cancellation of bail bonds of the petitioners.

(Soni Shrivastava, J)

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