

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74687 of 2024

Arising Out of PS. Case No.-503 Year-2024 Thana- AMARPUR District- Banka

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1. Ajay Yadav S/o Late Okil Yadav Resident Of Village- Kumarpur, Ps-Fullidumar, Distt. - Banka
 2. Deepak Kumar S/o Late Okil Yadav Resident Of Village- Kumarpur, Ps-Fullidumar, Distt. - Banka
 3. Chandan Kumar S/o Vijay Yadav Resident Of Village- Kumarpur, Ps-Fullidumar, Distt. - Banka
 4. Sonu Kumar S/o Vijay Yadav Resident Of Village- Kumarpur, Ps-Fullidumar, Distt. - Banka
 5. Mitthu Yadav @ Mithilesh Kumar S/o Vijay Yadav Resident Of Village- Kumarpur, Ps- Fullidumar, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant/s	:	Mr. Sanjay Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 22-01-2025 Heard Learned Counsel for the petitioners, Learned
APP for the State and Learned Counsel for the Informant.

2. The present Criminal Miscellaneous 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 apprehend their arrest in connection with Amarpur (Fullidumar) P.S. Case No.503 of 2024 lodged on 29.07.2024, for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 3(5) Bharatiya Nyaya Sanhita, 2023 read with Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against



13 named accused persons including the present petitioners against whom there is allegation that all accused persons in connivance with each other came to the informant's house and assaulted by *lathi danda* and also made firing by gun and threaten him.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the content of F.I.R., it becomes crystal clear that the entire dispute has arisen due to agricultural work. He further submits that the petitioners and informant are well-known to each other as they are resident of same police station. He further submits that a pending long land dispute was going on between the informant and the petitioners.

5. Counsel submits that the criminal antecedent of the petitioner No.1 is not clean as there is one criminal case pending against him and petitioner Nos. 2 to 4 have clean antecedent.

6. Counsel further submits that case diary has been called for with a view to verify that whether there is recovery of gun or injury caused or not?

7. Learned APP for the State opposes the prayer for bail of the petitioners and submits that after going through the case diary, no arms have been recovered, but dispute for the land



was alleged to be taken place between the parties.

8. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that entire content of F.I.R. is absolutely correct. He submits that there is continuous threat of killing the informant and the petitioners have assaulted the informant's side.

9. Counsel further submits that the entire case diary has not come and only part of the case diary has come in this case.

10. 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 learned Court below 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, Banka, in connection with Amarpur (Fullidumar) P.S. Case No.503 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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