

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79136 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- KORMA District- Sheikhpura

1. Nandu Sao @ Nandu Saw Son of Late Sitaram Saw @ Late Sitaram Sao R/O-Village - Puraina, P.S.- Korma, District -Sheikhpura
2. Rita Devi @ Reeta Devi Wife of Nandu Sao @ Nandu Saw R/O-Village - Puraina, P.S.- Korma, District -Sheikhpura
3. Pravin Kumar @ Praveen Kumar Son of Nandu Sao @ Nandu Saw R/O-Village - Puraina, P.S.- Korma, District -Sheikhpura
4. Navin Kumar @ Naveen Kumar @ Jhunnu Son of Nandu Sao @ Nandu Saw R/O-Village - Puraina, P.S.- Korma, District -Sheikhpura
5. Mukesh Saw @ Mukesh Sao Son of Nandu Sao @ Nandu Saw R/O-Village - Puraina, P.S.- Korma, District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Roop Kishan
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 30-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Korma Police Station Case No. 92 of 2024, disclosing offences under Sections 126(2), 115(2), 118(1), 117(2), 118(2), 109, 352, 351(2), 3(5) of the BNS, 2023.
3. As per the prosecution case, on 04.08.2024, in the evening, petitioners along with other accused persons, total twelve in numbers, entered into the house of the informant,



abused her and assaulted her and her family members. The petitioner no. 2 along with co-accused Rekha and Ranjana assaulted Maya Devi with rod and lathi due to which she sustained injuries. Petitioner no. 4 Navin Kumar alias Jhunnu assaulted the family member of the informant Navin Kumar on his head by means of pistol butt and petitioner no. 5 Mukesh Saw assaulted with khanti on the head of Arun Saw.

4. No one appears for the informant.

5. Learned Counsel for the petitioners submits that both the parties are agnates and there is land dispute between them which would be evident from the FIR lodged by the side of the petitioners bearing Korma P.S. Case No. 91 of 2024, dated 05.08.2024, which is prior to the FIR lodged by the side of the informant. The informant's side assaulted the sides of the petitioners and some of the persons sustained injuries from the petitioners side for which the FIR was lodged. The informant, after lodging of the FIR by the petitioners side, lodged the present FIR against the petitioners in retaliation. In an FIR lodged by the petitioners side, some accused persons from the informant's side have been granted anticipatory bail by this Court in Cr. Misc. No. 89736 of 2024. Referring to the impugned order, learned counsel submits that though injuries



have been discussed in the impugned order but the same are not attributable to the petitioners and the nature of injuries has also not been mentioned in the impugned order.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates having land dispute, there is case and counter case, both sides have sustained injuries, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sheikhpura, in connection with Korma Police Station Case No. 92 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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