

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80245 of 2024

Arising Out of PS. Case No.-364 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Indra Kant Kunwar @ Indra Kant Singh S/o-Late Deo Kant Singh Village-
Ghorsar PS-Kusheshwar Asthan District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv
For the State : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends his arrest in connection with

Kusheshwar Asthan P.S. Case No. 364 of 2022 registered for the

offences punishable under Sections 341, 323, 324, 308, 354(B),

379, 504, 506/34 of the Indian Penal Code.

3. The prosecution story disclosed in the FIR, is that

while the petitioner was digging soil by spade beneath the wall

of the informant, the same was objected to, by the informant.

Thereafter, it is stated that the petitioner abused her and pulled

her down on the ground due to which she became naked. It is

further alleged that family of the petitioner also came and

assaulted the informant by means of fists, legs and lathi. Further



allegation is that the petitioner snatched *farsa* from the hands of his son and assaulted the son of the informant.

4. Learned counsel for the petitioner submits that perusal of the story in the FIR, itself would go to show that there is a dispute between two neighbours with regard to digging of soil. It has also been submitted that the occurrence is said to have taken place on 17.10.2022, whereas the present FIR came to be lodged after delay of three days on 20.10.2022. It has also been submitted that the injury report of the informant Jaya Devi and her son Sukun Ray would also go to show that the injuries are superficial and are simple in nature. The said injury report has been annexed as Annexure-2 series to the petition.

5. The learned APP for the State opposes the bail application.

6. Taking into consideration that the dispute is between the two neighbours in which simple and superficial injury has been caused to the informant and his son and also considering that petitioner has no criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Biraul, Darbhanga in Kusheshwar Asthan P.S. Case No. 364 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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