

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85001 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- GOPALPUR District- Gopalganj

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1. Dinesh Baitha Son of Ramayan Baitha Resident of Village - Chhatarpatti,
P.S.- Gopalpur, District - Gopalganj
 2. Brajesh Baitha Son of Ramayan Baitha Resident of Village - Chhatarpatti,
P.S.- Gopalpur, District - Gopalganj
 3. Vikash Baitha Son of Ramayan Baitha Resident of Village - Chhatarpatti,
P.S.- Gopalpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M.Shyamli Kumari
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-01-2025 1. Learned Counsel for the petitioners informs that the petitioner no. 2, Brajesh Baitha, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 2 is concerned, has become infructuous.
2. Accordingly, this application, so far as petitioner no. 2, is concerned, is dismissed as having become infructuous.
3. This application will now survive only for petitioner nos. 1 and 3.
4. Heard learned Counsel for the petitioner nos. 1 and 3 and learned Additional Public Prosecutor representing the



State.

5. This application, for grant of anticipatory bail, arises out of Gopalpur Police Station Case No. 167 of 2024, dated 26.07.2024, disclosing offences punishable under Sections 126(2)/115(2)/118(1)/109(1)/352/3(5) of the Bhartiya Nyaya Sanhita, 2023.
6. The prosecution case, as per the First Information Report, is that on 24.07.2024 in the morning, the petitioner nos. 1 and 3, along with other co-accused persons, arrived at the land of the informant and started digging the land for the purpose of foundation and construction and when objected, they abused the informant and the petitioner no. 1 assaulted the informant by means of farsa on his head and when the informant's son intervened, he was also assaulted on his head, causing head injury. The petitioner no. 3, along with co-accused Brajesh Baitha, assaulted the informant, his son and grandson.
7. Learned Counsel for the petitioner no. 1 and 3 submits that the petitioners and the informant are co-sharers and from perusal of the First Information Report, it would be evident that they were having land dispute. The allegation against the petitioner no. 1 is that he assaulted the



informant by means of farsa, which is a sharp cutting weapon, but the injury caused to the informant on his head is lacerated wound. Though the doctor has reserved the opinion, but from perusal of the injury report of the informant (Annexure P/2 series), it would be evident that it is not serious in nature. The injury caused to other victims, i.e. son and grandson of the informant is simple in nature, as would be evident from the injury reports, at Annexure P/2 series.

8. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are co-sharers having land dispute, I am inclined to grant the petitioner nos. 1 and 3 privilege of anticipatory bail.
9. This application is, accordingly, allowed.
10. Let the petitioner nos. 1 and 3, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Gopalganj, in connection with Gopalpur



Police Station Case No. 167 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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