

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86138 of 2024

Arising Out of PS. Case No.-291 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Akash Kumar Son of Shiva Nandan Sah @ Shiva Sah @ Shiva Nand Sah
Resident of Bari-Hat Bhatta Bazar, PS- K-Hat (Sahayak), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate Mr. Santosh Kumar Singh, Advocate Mr. Ranvir Kumar, Advocate
For the Opposite Party/s :		Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with K-Hat (Sahayak) P.S. Case no. 291 of 2019, registered under sections 307, 147, 148, 149, 341, 323, 379 and 504 of Indian Penal Code.

3. As per the prosecution case, as a result of land dispute between the informant and the other party, it is stated that the panchayati was held where the accused persons were bent upon abusing and intending to beat up the informant. It is stated that the accused persons caught hold of the informant, beat him up and started to take him away. It is further stated that 25-30 persons including the petitioner herein came there and the



co-accused Shankar Kushwaha struck the informant with an iron rod on his head while co-accused Ritesh Kumar struck him on his head with a lathi. Further, allegation is made against Ritesh Kumar @ Guddu besides others. It is finally stated that they also took away Rs. 5,000/- in cash as also the informant's gold chain.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He was named in course of investigation by the informant. In reference to the injury report, it is submitted that the same does not support the prosecution case of assault by so many accused persons. The allegations against the petitioner are general and omnibus in nature. The case of the petitioner stand on a similar footing to that of co-accused Nilu Singh Patel and Shankar Kushwaha, who have been enlarged on anticipatory bail vide orders contained in Annexure-2 series.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the material that has transpired against the petitioner in course of investigation and grant of anticipatory bail to the F.I.R named co-accused vide Annexure-2 series, it is directed that the



petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with K-Hat (Sahayak) P.S. Case no. 291 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea.

(Partha Sarthy, J)

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