

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89371 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- SIMRI District- Buxar

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1. Prem Shankar Upadhaya S/o- Vyasmuni Upadhaya
 2. Pradeep Upadhaya S/o- Vyasmuni Upadhaya
 3. Pramod Upadhaya @ Pramod Kuma Upadhaya S/o- Vyasmuni Upadhaya
All are resident of Village- Balihar, Ps- Simri, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Dayal Singh
For the State	:	Mr.Satya Nand Shukla
For the informant	:	Mr. Abhishek Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 23-01-2025
1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Simri Police Station Case No. 106 of 2023, dated 02.04.2023, disclosing offences punishable under Sections 341/323/307/354/504/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that while the informant was at his home taking breakfast in the morning, the petitioners arrived there and told him to vacate the house. When the informant refused, the petitioners attacked the informant with dab and tangi.



When the family members of the informant came to rescue him, the petitioners also assaulted them with lathi, danda and iron rod. The petitioner no. 3 poured boiled milk upon the nephew of he informant.

4. Learned Counsel for the petitioners submits that both the parties are agnates/co-sharers, having previous enmity. Earlier, Simri Police Station Case No. 153 of 2010 was lodged by the father of the petitioners against the informant and the informant side was putting pressure upon the petitioners and others to settle the case by compromise. He further submits that there is counter case lodged against the informant and others by the side of the petitioners for an occurrence which has taken place on the same date and time, bearing Simri Police Station Case No. 107 of 2023. The side of the petitioners also sustained injuries, though simple in nature.
5. On the other hand, learned Counsel for the State as well as the informant vehemently oppose the prayer for bail and submit that the petitioners and others assaulted the informant and his family members. Two victims have sustained minor injuries and the informant has sustained fracture of his nasal bone and the doctor has reserved the



opinion regarding nature of injury caused to the informant.

- 6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are agnates/co-sharers, having land dispute, case and counter case is there, there is previous enmity between the parties and injuries caused to the victims are not serious in nature, 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 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 Judicial Magistrate, 1st Class, Buxar, in connection with Simri Police Station Case No. 106 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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