

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89243 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- Lakho District- Begusarai

- 1. Bhola Singh S/O Late Bashisth Singh R/O Village- Lodipur-Shahpur, P.S.- Lakhi, District- Begusarai.
- 2. Bambam Singh Son of Late Bashisth Singh R/O Village- Lodipur-Shahpur, P.S.- Lakhi, District- Begusarai.
- 3. Subodh Singh Son of Late Bashisth Singh R/O Village- Lodipur-Shahpur, P.S.- Lakhi, District- Begusarai.
- 4. Kanhaiya Kumar S/o Pramod Singh Resident of village- Lodipur-Shahpur, P.S.- Lakhi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the State s : Mr.Uma Shankar Prasad Singh
For the informant : Mr. Subhash pandey
Mr. Amit Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 323-01-2025
- 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 Lakho Police Station Case No. 122 of 2024, dated 02.09.2024, disclosing offences punishable under Sections 191(2)/191(3)/190/126(2)/109(1)/324(6)/351(3) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.
 - 3. The prosecution case, as per the First Information Report,



is that on 02.09.2024, at about 1 PM, the petitioners, along with other co-accused persons, total eight in numbers, and 3-4 unknown persons, armed with pistols, khanti, farsha, iron rod, attacked the house of the informant. The petitioner no. 1 and co-accused Ranjeet Singh fired upon the informant's family members. It has further been alleged that the co-accused Bumbum Singh assaulted Neeraj with khanti on his legs, petitioner no. 3 assaulted the informant with khanti on his arm and Kanhaiya Kumar and Nityanand assaulted the informant's wife with iron rod on her waist.

4. Learned Counsel for the petitioners submits that both the parties are agnates and there is long standing land dispute between them. The criminal antecedents, which are referred in paragraph 3 of this application, are the result of the previous enmity between the parties. The injuries caused to the victims attributable to the petitioners, are simple in nature and one grievous injury has been caused to Neelesh and Sunil on their nose and right hand and waist respectively, which are not attributable to the petitioners.
5. On the other hand, learned Counsel for the informant as



well as State vehemently oppose the prayer for anticipatory bail and submits that there is allegation of assault against the petitioners and the petitioners are having criminal antecedents of similar nature of offence. Two persons from the side of the informant have sustained grievous injury and the police has recovered one used cartridge from the place of occurrence.

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, having land dispute and there is previous enmity between them, the allegation of firing is upon the petitioner no. 1 and one used cartridge has been recovered from the place of occurrence and the petitioner no. 1 is having five criminal antecedents, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.
7. However, taking into consideration the fact that assault made by petitioner nos. 2 to 4 has not caused grievous injuries to the victims and both parties are agnates, I am inclined to grant the petitioner no. 2 to 4 privilege of anticipatory bail.
8. This application, so far as petitioner nos. 2 to 4 is



concerned, is, accordingly, allowed.

9. Let the petitioner nos. 2 to 4, 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 Chief Judicial Magistrate, Begusarai, in connection with Lakho Police Station Case No. 122 of 2024, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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