

In the Court of Addl. Sessions Judge II, Aurangabad

A.B.P No. 372/26

Jamhore PS case no. 271/25

(Lalan Ray v/s State of Bihar)

Counsel for the petitioner – Shree Dhananjay Kumar Singh (Advocate).

Counsel for the State – Shree Anil Kumar-II (A.P.P).

Present – Anindita Singh

Addl. Sessions Judge II

Aurangabad

12.3.26 -An application for anticipatory bail filed on behalf of accused petitioner Lalan Ray who are apprehending his arrest in connection with Jamhore P.S. case no. 271/25 under section 191(2), 191(3), 126(2), 115(2), 117(2), 109, 118(1), 303(2) BNS has been pressed today for hearing.

Heard Ld. Counsel of the petitioner as well as Ld. APP.

One Brahmdev Sharma is the informant of the case who has filed a written report in the Jamhore police station alleging therein that on 2.12.25 at 12:00 hours his wife Prabhawati Devi, daughter-in-law Reena Devi and son Ajay Shrama were cutting paddy crops in their field bearing Khata no. 78, Plot no. 540. Meanwhile the accused persons named in the FIR including the petitioner came there with khanti, ganrasa, sword and started assaulting the informant and his family members. During assault due to the ganrasa blow of Sanjay, Ajay sustained internal injury and the informant also sustained injury on his head by khanti blow given by Pintu@ Pankaj. Further Sudama Singh was also assaulted by Dolly Devi by daabi due to which he sustained cut injury on his ear. Hare Ram Singh was assaulted by Dipak by sword. Thereafter the villagers working in nearby fields gathered there. Seeing them the accused persons fled towards village Kudwa. Further allegation of snatching of gold chain and hansuli from the possession of the wife and daughter-in-law of the informant has also been against the accused petitioner.

It has been submitted on behalf of petitioner by his learned counsel that the petitioner is entirely innocent and has been falsely implicated in this case. It is further submitted that the petitioner was not present on the date of occurrence and at the time of the occurrence, the petitioner was sitting at his home with villagers. The petitioner is neither purchaser nor seller of the disputed land. There is no specific allegation of assault attributed against the present petitioner. The petitioner bear no criminal antecedent also. Accordingly, prayer has been made to enlarge the petitioner on anticipatory bail.

On the other hand ld. APP opposed the prayer of bail, however conceded the fact that the for the occurrence of same date both parties have lodged case and counter case on each other and there is also land dispute between the parties.

Heard and perused the case record as well as the up-to-date case diary including the primary and secondary injury reports of the victims which has already been received in total 77 paragraphs till 22.2.26. As per the FIR the thrust of allegation against the present petitioners is of giving order to the other accused to assault the informant party, as a result of which the co-accused persons assaulted the informant party by means of khanti, ganrasa and sword and get them injured. The witnesses in their statements during investigation in para no. 6, 7 and 8 of case diary have also stated to this effect. There is no allegation of assaulting anyone against the present petitioner at all. It is also came during the investigation that there is land dispute between the parties and informant & co-accused persons purchased the disputed land by common purchaser. The present petitioner is neither the purchaser nor the seller of land. Further para no. 19, 20 and 67 of the case diary also reveals that there is case and counter case between the informant & co-accused persons for the occurrence of the case date on account of land dispute. The copy of FIR of Jamhore PS Case no. 270/25 filed by the

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petitioner shows that it has been filed against the present informant and his family members u/s 109 BNS along with other sections and that case has been filed on 3.12.25 i.e. prior to the institution of the present case. Further the primary and secondary injury reports of the victims namely Ajay Sharma, Brahmdev Sharma, Hare Ram, Sudama Singh also reveals that they have sustained lacerated injury and bruises on their person caused by hard & blunt object and that too has been opined simple in nature and mutual fight on account of land dispute in the present case cannot be overlooked. Moreover the co-accused persons against whom there is specific allegation of assaulting the informant have already been allowed pre-arrest bail by this court earlier vide ABP No. 11/26 dt. 3.2.26 Para no. 79 of case diary further shows that the present petitioner carries one criminal case in his credit only.

Considering the entire facts and circumstances of the case, land dispute case and counter case as well as nature of allegation against the petitioner, I consider it a good case for the grant of anticipatory bail to the present petitioner. Accordingly, he, in the event of his arrest/surrender in the Court within four weeks from the date of the receipt of copy of this order, is directed to be released on bail on furnishing bail-bond of Rs. 20,000 with two sureties of the like amount each to the satisfaction of the learned concerned court subject to the conditions as laid down under Section 438 Cr.P.C./482(2) of BNSS.

Sd/-

(Anindita Singh)

Addl. Sessions Judge -II

CIVIL COURT AURANGABAD