

Court of Addl. Sessions Judge-III, Begusarai
A.B.A. No. 298/2024
Arising out of Matihani P.S. case no. 08/2024
State of Bihar Vrs. Deepak Kumar

03.04.2024

Heard the learned counsel for the petitioner on the anticipatory bail petition filed on behalf of accused petitioner namely; **Deepak Kumar** who is apprehending his arrest in connection Matihani P.S. case no. 08/2024 for the offences punishable U/s-323,307,341,504,379,506/34 of IPC. Copy of the same has been served upon learned Addl.P.P.

The learned counsel for the petitioner mentioned in his bail petition at para 2 that no anticipatory bail application has been filed on behalf of the petitioner in this court or Hon'ble High Court, Patna.

The learned counsel for the petitioner has submitted that the petitioner is quite innocent and has committed no offence. The petitioner has been falsely implicated in this case due to land dispute. The petitioner has two criminal antecedent i.e., Matihani P.S. case no. 118/2021 and Complaint case no. 207/2018. The informant is uncle of the petitioner. The alleged allegation against the petitioner is vague and omnibus. No case U/s 307 of IPC is made out against the petitioner and alleged allegation U/s 379 of IPC is ornamental. Thus, the prayer has been made to enlarge the petitioner on anticipatory bail.

On the other hand, learned Addl.P.P. duly assisted by learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Heard both sides and perused the case record alongwith case diary. As per FIR, allegation against the petitioner is that he alongwith other co-accused abused and assaulted the informant with rod and paina. This petitioner imparted blow with danda on his head and left leg due to which he sustained injury. When his daughter came to save him she was also abused and assaulted by accused persons including petitioner. This petitioner snatched Rs. Five lakhs and hanuman locket from his pocket. Cause of occurrence is that accused persons want to grab his land.

From perusal of case record, it appears that petitioner is named in the FIR. Witnesses at para no. 4,7,8,9 have supported the prosecution version. At para no. 31 is the injury report of injured which corroborated the occurrence. The proximity of the petitioner in commission of crime is very high. The allegation against the petitioner is allegation against the petitioner. The investigation of the case is still going on.

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Thus under aforesaid facts and circumstances of the case, it is not fit case for grant of privilege of anticipatory bail to the petitioner. However, learned counsel appearing on behalf of the petitioner has submitted that there is land dispute in between the parties. Injury is simple in nature. There is no specific allegation against the petitioner rather there is general and omnibus allegation against him. Other co-accused has been granted regular bail by this court. So the petitioner is directed to surrender before the learned lower court below and learned lower court below is expected to decide his bail application in the light of submissions of learned counsel for the petitioner without being prejudiced to this order in accordance with law. With these observations anticipatory bail is hereby disposed off.

Dictated

Sd-

(Anand Kumar Singh-I)
Addl. Sessions Judge-III
Begusarai