

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8399 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- DHANAHA District- West Champaran

1. SHAMBHU RAM SON OF LATE BIPAT RAM Resident of Village - Dihi, P.S.- Dhanha, Distt.- West Champaran.
2. RAHUL RAM SON OF DHUNMUN RAM Resident of Village - Dihi, P.S.- Dhanha, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-06-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Dhanha P.S. Case no. 162 of 2020 registered under sections 307, 341, 323, 379, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that as a result of land dispute, the twenty seven named accused persons entered into altercation with the informant and others over cultivation of land. It is stated that the accused persons variously armed came to the land and Shambhu



Ram gave a blow with a *garasa* on the informant's head while the other accused persons including Rahul Ram assaulted the informant's wife.

It is submitted by learned counsel for the petitioners the allegations as levelled in the FIR are false and concocted. From the FIR itself it would transpire that the petitioners have been falsely implicated in the case because of admitted land dispute between the parties. There is a case and counter case between the parties. The injuries were caused in the scuffle and the manner of narration in the FIR making specific allegations are incorrect. The petitioners are in custody since 15.9.2020. It is lastly submitted that while the petitioner no. 1 is alleged to have assaulted the informant with a hard and blunt substance, the injury has been found to be by a sharp object.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and on going through the injury report of the informant which has been brought on record as Annexure-4 series to this petition, it transpires that the injury on the informant has been found to be grievous in nature and the same is attributable to the petitioner no. 1. As such the Court is not inclined to enlarge the petitioner



no. 1, namely, Shambhu Ram, on bail and his application is rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner no. 2, namely Rahul Ram, is directed to be enlarged on bail in connection with Dhanha P.S. Case no. 162 of 2020 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 S.D.J.M., Bagha, West Champaran.

However, liberty is granted to the petitioner no. 1 to renew his prayer for bail after six months.

(Partha Sarthy, J)

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