

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56768 of 2022

Arising Out of PS. Case No.-77 Year-2019 Thana- KALER District- Jehanabad

1. RAMA SHANKAR RAI Son of Late Asarfi Rai Resident of Village- Rajpura, P.S.- Kaler, District- Arwal
2. BANTI KUMAR @ BANTI RAI Son of Ramashankar Rai Resident of Village- Rajpura, P.S.- Kaler, District- Arwal
3. CHHOTE KUMAR @ CHHOTU RAI Son of Ramashankar Rai Resident of Village- Rajpura, P.S.- Kaler, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Pandey, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in a case registered for offence punishable u/s 341 323, 324, 307/34 of the IPC and later on Police submitted charge sheet under sections 341, 323, 308/34 of the IPC.

Allegedly, on account of some altercation, the accused persons named in F.I.R. including the petitioners threatened the informant. Petitioner no.3 is said to have given Khanti blow on informant's head as result of which, the informant felt unconscious.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to mala fide intention. No such occurrence, in the manner as alleged, has ever taken place. Petitioners have not committed offence as alleged in the prosecution report. The informant as well as petitioners are own *gotias*/agnates. It is further submitted that drainage of the both the parties flow from one way and in meanwhile informant blocked the drainage of the petitioners. Then petitioner no.2 requested to the informant for open the drainage but informant was not ready and in meanwhile hot scuffle took place and resulted informant has assaulted the petitioner no.2. This is case of counter case of Kaler P.S. Case No. 76 of 2019 against the informant and his other family members. There is no direct and specific allegation against the petitioners and allegations are general and omnibus. Though the allegation against petitioner no. 3 is of assaulting the informant by means of Khanti but as per the injury report, the injury is simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injury is simple in nature, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kaler P.S. Case No.77 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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