

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26533 of 2023

Arising Out of PS. Case No.-327 Year-2022 Thana- DIGHWARA District- Saran

1. AMARNATH RAM @ AMAR NATH DAS Son of Late Ramsagar Das R/V- Hemantpur PS- Dighwara Dist- Saran at Chapra
2. Radhika Devi Wife of Amarnath Ram @ Amar Nath Das R/V- Hemantpur PS- Dighwara Dist- Saran at Chapra
3. Vikash Kumar Son of Amarnath Ram @ Amar Nath Das R/V- Hemantpur PS- Dighwara Dist- Saran at Chapra
4. Puja Kumari @ Puja Devi Daughter of Amarnath Ram @ Amar Nath Das R/V- Hemantpur PS- Dighwara Dist- Saran at Chapra
5. Shambhu Ram Son of Chanesar Ram R/V- Banpura, PS- Dariyapur, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners wants to withdraw this application in respect of petitioner no.3.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.3 only.

5. Now this application survives for petitioner nos. 1, 2, 4 & 5.



6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 506, 34 of the Indian Penal Code.

7. Allegedly, on 29.09.2022, all the accused persons assaulted the informant's younger brother with bricks, lathi, rod and sword for which a written complaint has been given to Police Station by his brother Vicky Kumar. On 30.09.2022, when the informant went to the house of petitioner to enquire about the matter, then petitioners Amarnath, Radhika and other co-accused started assaulting him and his brother and took Rs. 3000/- from his pocket. They also snatched a golden locket from his neck.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. Both sides have sustained injuries. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

9. Per contra, learned APP for the State vehemently



opposing the bail petition submitted that there is specific allegation against the petitioners that they along with other co-accused persons caused injuries on the head of the informant and his brother and from perusal of the injury report enclosed in the case diary, it is evident that injury sustained by the injured was found grievous in nature.

10. Considering the facts and circumstances of the case as well as argument of the parties, the above named petitioner nos. 1, 2, 4 & 5, 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 lower Court where the case is pending/successor Court in connection with Dighwara P.S. Case No. 327 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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