

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28966 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Sudhir Kha @ Sudhir Khan, Son of Krishna Mohan Kha @ Krishna Mohan Khan.
 2. Geeta Devi, Wife of Sudhir Kha @ Sudhir Khan @ Sudhir Jha
 3. Rohit Kumar Kha @ Rohit Kumar, Son of Sudhir Kha @ Sudhir Khan
 4. Dhiraj Kumar Kha @ Dhiraj Kumar, Son of Sudhir Kha @ Sudhir Khan
All are residents of village - Bhadahar, Police Station - Kusheshwar Asthan,
District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kusheshwar Asthan P.S. Case No. 339 of 2022 registered for the alleged offences under Sections 341, 323, 324, 308, 385, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, allegation against the petitioners is that they used to demand Rs. 25 lacs from the father of the informant who is incidentally the brother of the



petitioner no.1 and in this background they assaulted the informant, his father and other family members with '*Tengari*' and '*lathi*'

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The present case is counterblast of Kusheshwar Asthan P.S. Case No.318 of 2022 which was registered on 24.08.2022 for the occurrence dated 22.08.2022. The informant's side brutally assaulted the petitioners' side causing various injuries which were found grievous in nature and the petitioner no.1 was admitted in DMCH for 28 days for his treatment. Admittedly, there is land dispute between the parties and on the alleged date of occurrence, the informant and his entire family members reached at the said land and forcibly wanted to capture the land of the petitioners. Since the petitioners' side received grievous injuries on different parts of the body, the present case has been brought by the informant by making a false and concocted story. The annexed injury reports of the informant's side show that all the injuries are simple in nature and there is no incised wound. The injuries are merely abrasion, swelling and pain. Thus, it is obvious that no case under Sections 308 and 385 IPC is made out.



5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners assaulted the informant and his other family members and caused a number of injuries to them.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also the fact that occurrence took place admittedly in the background of family dispute and the injuries are stated to be simple in nature and without any further act of aggravated assault, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 339 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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