

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29882 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- KALER District- Jehanabad

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1. Nisha Devi @ Nishu Devi, W/O Randhir Kumar, R/O Village- Girwar, Bigha, P.S- Kaler, Distt.- Arwal.
 2. Ranjeet Kumar @ Ranjit singh, S/O Late Shiv Dayal Singh, R/O Village- Girwar, Bigha, P.S- Kaler, Distt.- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Kaler P.S. Case No. 114 of 2022, registered on 16.12.2022 for the offences under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioners and co-accused Randhir Kumar assaulted the son of the informant in the backdrop of some money transaction. When the father-in-law of the informant tried to intervene, co-accused Randhir Kumar hit him with a *lathi* on his head. The victim fell down and later on succumbed to his injuries.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Both sides are agnates and they have been falsely implicated in this case on account of land dispute between the parties. There is no allegation of assault upon the deceased against the petitioners for which allegation is specific against co-accused Randhir Kumar. The allegation of assaulting the son of the informant is against petitioners and co-accused but the son of the informant was not examined and no injury report of the son of the informant was produced. This creates doubt over the prosecution story. Further, post-mortem report of the deceased shows only one abrasion on the right forehead and cause of death is stated to be due to medical illness likely due to myocardial infarction. This also falsifies the story of assault. The FIR has been registered after delay of two days for which no reason has been assigned.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of assault against the petitioners of assaulting the father-in-law of the informant who is said to have died due to myocardial infarction and further considering the possibility of false implication, 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 bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal/concerned court in connection with Kaler P.S. Case No. 114 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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