

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35208 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- THAKRAHA District- West Champaran

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Vinod Kushwaha Son of Rajendra Kushwaha R/O Village - Siswaniya, P.S.-
Thakraha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar, APP
For the Informant	:	Mr. Ajay Mukherjee, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

2. Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

3. In the present case, the petitioner seeks bail in
connection with Thakraha P.S. Case No. 10 of 2023 registered
on 28.01.2023 for the alleged offences under Sections 147, 148,
149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian
Penal Code.

4. As per prosecution case, petitioner and other co-
accused persons assaulted the informant and his family
members causing a number of injuries to them in the



background of some land dispute.

5. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Admittedly, there is a land dispute between the parties. Due to the said land dispute, informant's side came and started assaulting the members of the petitioner's side in which they received some injuries and for this reason co-accused Rajendra Kushwaha has lodged an FIR bearing Thakraha PS case no 09/ 2023 under Section 307 and other Sections of the I.P.C. The present case is counter case of Thakraha PS case no 09/ 2023. There is no specific allegation of assault against this petitioner rather there is general and omnibus allegations against all the accused persons. Though, it had been alleged that the petitioner and other co-accused persons assaulted the two sons of the informant with *gada* but it is no specific as to whom the petitioner has assaulted. However, in a group fight between the two groups, the sons of the informant, have received simple injuries. Prosecution has failed to explain the injury sustained by the petitioner's side. In the aforesaid facts and circumstances, no case under Section 307 IPC is made out against the petitioner and other offences mentioned in the FIR are simply super addition just to make the case graver. The



petitioner is in custody since 29.01.2023 and charge-sheet has been submitted.

6. Learned APP as well as learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the opinion on the injury has been reserved in case for one of the sons.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the injury reports which merely show abrasions and swelling and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bagaha, West Champaran/court concerned in connection with Thakraha P.S. Case No. 10 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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