

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49156 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- PATEPUR District- Vaishali

1. Shiv Nath Chaudhary Son Of Paltu Chaudhary Resident Of Village- Maudah Buzurg, Police Station- Patepur, District- Vaishali
2. Mukesh Kumar Son Of Gauri Shankar Rai Resident Of Village- Maudah Buzurg, Police Station- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Learned counsel for the petitioners submits that in para 9 in place of S.H.O., Patepur it has been wrongly typed as learned Judicial Magistrate, Ist Class and seeks permission to correct the same in course of the day.

2. Permission is accorded.

3. Heard learned counsel for the petitioners and learned counsel for the State.

4. In the present case, the petitioners are apprehending their arrest in connection with Patepur P.S. Case No. 239 of 2022, registered on 06.09.2022 for the offences under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal



Code.

5. As per prosecution case, in the background of dispute over arrears of rent, petitioners assaulted the informant, their landlord with Farsa and iron rod causing a number of injuries to him. They also took away Rs.10,000/- and gold chain from the informant.

6. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. Some hot words took place between the parties and the informant has been pressurizing the petitioners to vacate the shop but the petitioners were not ready to vacate the shop immediately and they requested for some time upon which the informant started abusing the petitioners and throwing away goods of shop. Now the parties have compromised the case and a compromise petition has been filed before the S.H.O., Patepur Police Station. Learned counsel further submits that there is no injury as alleged and the informant gave an application to the S.H.O., Patepur Police Station stating that some scuffle took place and he was now hail and hearty and he does not want to undergo any x-ray or other test. Learned counsel further submits that there is counter case being Patepur P.S. Case No. 251 of 2022 against



the informant side for the offences under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code which was lodged by petitioner no. 1 against the informant.

7. Learned APP opposes the submission made on behalf of the petitioners.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and in the light of absence of any allegation of murderous assault and 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, Vaishali at Hajipur/concerned court in connection with Patepur P.S. Case No. 239 of 2022, subject to the condition 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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