

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53056 of 2023

Arising Out of PS. Case No.-342 Year-2021 Thana- RAMGARHWA District- East
Champaran

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1. Amit Kumar, Son Of Lalan Thakur, Resident Of Village- Bhaluwahiya, Ps-
Ramgarhwa, Dist- East Champaran
 2. Ajit Kumar, Son Of Lalan Thakur, Resident Of Village- Bhaluwahiya, Ps-
Ramgarhwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Ramgarhwa P.S. Case No. 342 of 2021, registered for the offences under Sections 341, 323, 307, 325 and 504/34 of the Indian Penal Code.

3. As per prosecution case, in the background of some land dispute, petitioners and other co-accused persons, who were variously armed, attacked the informant and his family members and damaged the house of the informant. By the assault of the petitioners and other co-accused persons, the informant and his family members received a number of



injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Police has submitted charge-sheet under the bailable Sections but the learned S.D.J.M also took cognizance under Section 307 of IPC. Earlier the petitioners have been granted benefit of Section 41-A of Cr.P.C. Learned counsel further submits that there is allegation of assault by *farsa* and iron rod but the injury report shows simple injuries on the victims caused by hard and blunt substance. Land disputed is admitted as the same has been mentioned in the FIR itself and the petitioners and informant side are agnates. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 46564 of 2022. Petitioners are having clean antecedent.

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 simple nature of injuries on the victims and submission of charge-sheet under the bailable sections though cognizance has been taken by the learned Judicial Magistrate under Section 307



of IPC and also considering the admitted land dispute between the parties coupled with 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, East Champaran, Motihari/concerned court in connection with Ramgarhwa P.S. Case No. 342 of 2021, 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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