

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54691 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

1. JANAK RAM, S/O- Late Sukan Ram, R/O Village And P.S.- Siwaipatti, Dist. Muzaffarpur
2. AKENDRA RAM, S/O- Janak Ram, R/O Village And P.S.- Siwaipatti, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the Petitioners and
learned APP for the State

2. Petitioners apprehend their arrest in connection
with Siwaipatti P.S. Case No. 88 of 2023 dated 27.04.2023
registered for the offence(s) punishable under Section(s) 341,
342, 323, 307, 379 and 34 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that in the instant matter, both the
petitioners and one co-accused Ramji Ram are accused who are
close relatives and the main allegation of inflicting knife injury
at the head of the informant is against co-accused Ramji Ram
but on the person of the informant only one sharp cut injury



being in the size of 1" x 1/2" over his scalp was found which was opined to be simple in nature and as per the FIR, there was no reason for the petitioners and accused to commit the alleged occurrence after taking the victim forcefully inside their home without any motive and moreover against the petitioners, there is no serious allegation and petitioner No. 1 is seventy seven years old person and petitioners have fair and clean antecedent, in fact, the victim entered into the house of the petitioners and started misbehaving with daughter-in-law of petitioner No. 1 thereafter the petitioners and their family members woke up and caught the victim and in that course victim sustained injury. It is further submitted that as per allegation, the petitioner Janak Ram inflicted iron rod blow at the head of the victim but no injury being caused by hard and blunt object was found on his body which falsifies the allegation concerned to the petitioner Janak Ram.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly the fair and clean antecedent of the petitioners and also the facts that there is case and counter case in between both the parties and on the person of the victim one sharp cut injury has been



found which is specifically attributed against co-accused Ramji Ram and the said injury has been opined to be simple in nature and both the parties are co-villagers, in my opinion, in the said circumstances the petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Siwaipatti P.S. Case No. 88 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J.)

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