

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59145 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Krishna Kumar Son Of Anandi Das Resident Of Village- Chandrahiya, Ps-
Muffasil, Dist- East Champaran
 2. Shrawan Das Son Of Dalu Das Resident Of Village- Chandrahiya, Ps-
Muffasil, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 03-10-2023 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 Motihari Muffasil P.S. Case No. 171 of 2023, registered on 27.02.2023 for the offences under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, in the background of some earlier dispute, the petitioners and other co-accused persons who were armed with *lathi* and iron rod assaulted the informant and her family members causing injuries to them. The co-accused persons also took away Rs. 1,50,000/- from the



house of the informant.

4. Learned counsel for the petitioners submit that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Both the sides are agnates and some altercation took place between the parties and Petitioner No. 1 lodged Motihari Muffassil PS Case No. 170/2023 under Section 307 and other allied Sections of IPC against the informant side. For saving themselves from the said case, subsequently the instant case has been lodged by the informant. Though there is specific allegation against the petitioner no. 1 that he assaulted the informant by means of an iron rod resulting in injury on head, the injury report shows an injury caused by a sharp object which is simple in nature and the doctor has mentioned the injury to be self-inflicted wound. Further, there is general and omnibus allegation against petitioner no. 2 and other co-accused persons without attributing any overt act against them. Injuries of two other victims are also simple in nature and injury on one of the victims is also said to be self-inflicted. Injury of the third victim is merely an abrasion over right arm. Learned counsel further submits that from the facts of the FIR and injuries sustained by the victims, it is very much clear that no offence under Section 307 IPC is made out



against the petitioners and allegation under Section 379 IPC is merely ornamental. Learned counsel further submits that petitioners have not no criminal history.

5. Learned APP opposes the submission 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 injury report annexed with the petition which shows only self-inflicted injuries on the victims and considering the earlier lodged case of the petitioners, there appears to be a strong possibility of false accusation, hence, 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 at Motihari/concerned court in connection with Motihari Muffasil P.S. Case No. 171 of 2023, 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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