

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60627 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- TARAIYA District- Saran

1. Premchandra Sah Son Of Late Ram Dayal Sah Resident Of Village - Dih Chhapiya, P.S. - Taraiya, District - Saran at Chapra (Bihar)
2. Mannu Kumar Sah @ Manish Kumar Son Of Premchandra Sah Resident Of Village - Dih Chhapiya, P.S. - Taraiya, District - Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Jagannath Singh, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Taraiya P.S. Case No. 324 of 2022 registered for the offences punishable under Sections 341, 323, 324, 308, 504, and 506/34 of the Indian Penal Code.

3. Allegedly, while the son of the informant was returning to his house, in the meantime, all the FIR named accused persons, including the petitioner intercepted him and brutally assaulted. When the informant and her family members came in his rescue, co-accused Mithilesh Kumar and Mannu Kumar also assaulted her second son by means of sharp cut sword and the petitioner and one Akash Sah assaulted her elder



son by means of *lathi* and *dab*. Thereafter, they also assaulted the younger son and other family members of the informant.

4. Learned counsel for the petitioners submits that the present case is nothing but a counter blast of Taraiya P.S. Case No. 323 of 2022 instituted by the wife of the petitioner no.1 against the son of the informant. He further submits that, in fact, on account of land dispute, a free fight has taken place, which resulted into injuries to persons of both the sides. However, the prosecution has failed to explain the injury sustained to the persons of petitioners side. He next submits that the false implication of the petitioners and deliberation cannot be ruled out as though the FIR has been instituted on 09.09.2022 but it was sent to the Court of learned A.C.J.M. on 29.09.2022. He further drew the attention of this Court to the injury report sustained to one of the injured Kartik Sah and with reference thereto, he submits that though out of two injuries, one injury is found to be grievous in nature caused by hard and blunt substance, but the allegation is not specifically attributed to the petitioners. He next submits that the petitioners are men of fair antecedent and they undertake that they will not indulge in such type of activity in future and will fully cooperate in the investigation or in the proceeding of the Court.



5. On the other hand, learned counsel for the State opposes the bail application and submits that there is specific allegation that the petitioners have brutally assaulted the sons of the informant, causing grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and delay in sending the FIR to the concerned court and the omnibus nature of allegation against the petitioners, coupled with the fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Saran at Chapra in connection with Taraiya P.S. Case No. 324 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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