

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59870 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- BAHADURPUR District- Darbhanga

GOVIND SINGH S/O ASHOK PRASAD SINGH @ ASHOK KUMAR
SINGH R/O VILLAGE- BHOGIYARA, P.S- FEKLA O.P.
(BAHADURPUR), DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate Mr. Aryan Singh, Advocate. Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, Advocate.
For the informant	:	Mr. Abhay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 174 of 2023 registered on 13.4.2023 for the alleged offence under Sections 147, 149, 341, 323, 307, 504, 427 and 379 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons assaulted the informant with *farsa* and iron rod causing fracture of his head and left hand. Other co-accused snatched gold chain and damaged the car of the informant and also took away Rs.2,00,000/- from his car.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to some land dispute. The land dispute is with regard to a piece of land bearing Khata No. 177, Khesra No. 19 measuring an area of 35 decimals. Father of the petitioner has filed Title Suit 142 of 2018 in the court of learned Sub Judge-I, Darbhanga, against one Mahalaxmi Devi with regard to the title and further for declaration of sale deed dated 19.3.2018 executed in favour of Irshad Alam as null and void. Learned counsel further submits that defendant No. 1 namely, Mahalaxmi Devi sold a piece of land of same Khata and Khesra number in favour of informant and thereafter informant had been trying to take possession of the said land. The proceeding under Section 107/111 Cr. P.C. has also been initiated against the petitioner and the informant. Having knowledge of the dispute between the petitioner and the vendor of the informant, still informant chose to buy the disputed land and, thereafter, he had been trying to take possession of the land of the petitioner forcibly. Learned counsel also submits that from the First Information Report, it is clear that for an occurrence of 10th of April, 2023, FIR has been registered on 13th of April, 2023 and there is no explanation for the delay. Learned counsel next



submits that from the First Information Report it is also apparent that there was no intention to cause death and the injury report, though procured by the informant with the intention of lodging the case against the petitioner, does not show any serious injury. Learned counsel also submits that the allegation against the petitioner is that he gave *farsa* blow on the head of the informant, but there is no sharp cut injury by any dead cutting weapon. The injury has been caused by a hard blunt substance. So, allegation against the petitioner is falsified. He next submits that the petitioner has got no criminal history.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the injury on the informant is an abrasion over left shoulder of 3 x 2 cm size apart from one lacerated wound of size 3 x 1 x 1 cm over forehead and the scan of the injuries shows fracture of distal end of 4th metacarpal bone as well as frontal bone. The injuries are stated to be grievous caused by hard and blunt substance.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the medical evidence which does not support the



allegation against the petitioner for causing any ‘farsa’ injury and further considering the possibility of false accusation in the background of land dispute, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.20,000/- (Rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga, in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 174 of 2023, subject to the condition 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 petitioner.

(ii) The petitioner 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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