

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62031 of 2023

Arising Out of PS. Case No.-113 Year-2021 Thana- JADIA District- Supaul

1. Chandan Rai @ Chandan Kumar Rai @ Chandan Kumar Roy, S/O Udit Rai, R/O Village- Parsagarhi, North, Ward No. 02, P.S- Jadia, Distt.- Supaul.
2. Nandan Rai @ Nandan Kumar Rai @ Nandan Kumar Roy, S/O Udit Rai, R/O Village- Parsagarhi, North, Ward No. 02, P.S- Jadia, Distt.- Supaul.
3. Santosh Rai @ Santosh Roy, S/O Late Ramwallav Roy, R/O Village- Parsagarhi, North, Ward No. 02, P.S- Jadia, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 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 Jadia P.S. Case No. 113 of 2021, registered for the offences under Sections 147, 148, 149, 323, 341, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, attacked the house of the informant and assaulted his family members. When the informant reached there, he was also assaulted by the



petitioners with iron rod. The assailants also took away gold ornament and Rs. 50,000/- in cash, four bags of wheat and three bags of rice.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The present case is counter blast of Jadia P.S. Case No. 114 of 2021 registered under Sections 147, 148, 149, 323, 341, 324, 307, 379, 354, 504 and 506 of IPC and Section 27 of the Arms Act against the informant side. Learned counsel further submits that the injury said to be suffered by the informant is simple in nature though it is stated to be scalp and forehead and injury suffered by the son of the informant is also simple in nature. Learned counsel further submits that the after investigation, the I.O submitted charge sheet under Sections 147, 148, 149, 341, 323, 308, 504 and 506/34 of IPC and the petitioner is given benefits of Section 41(1) of the Cr.P.C. but the learned ACJM-V, Supaul differed with the police report and took cognizance in other sections of IPC and the petitioners are under apprehension of arrest. Learned counsel further submits that utmost the case is free fight between two groups without any intention to cause death.



5. Learned APP opposes the submissions made on behalf of the petitioners submitting that the petitioners are having criminal antecedent. At this stage, learned counsel for the petitioners submits that the said case was also lodged by the daughter of the informant and the petitioners are on bail in that case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also considering the simple nature of injury and further considering the 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 Additional Chief Judicial Magistrate-Vth, Supaul/concerned court in connection with Jadia P.S. Case No. 113 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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