

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.313 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- DIGHWARA District- Saran

1. Dwarika Sah Son of Late Shiv Shankar Sah R/V- Saidpur Dighwara, P.S- Dighwara, Dist- Saran
2. Mamta Devi D/o Dwarika Sah R/V- Saidpur Dighwara, P.S- Dighwara, Dist- Saran
3. Vishal Kumar Son of Dwarika Sah R/V- Saidpur Dighwara, P.S- Dighwara, Dist- Saran
4. Asha Devi Wife of Dwarika Sah R/V- Saidpur Dighwara, P.S- Dighwara, Dist- Saran
5. Anuj Kumar Son of Dwarika Sah R/V- Saidpur Dighwara, P.S- Dighwara, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rina Sinha, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Ms. Shikhar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Dighwara P.S. Case No. 136 of
2022, registered on 29.04.2022, for the alleged offence under
Sections 147, 148, 149, 341, 323, 324, 308, 354, 379, 504, 506 of
the Indian Penal Code.



04. As per prosecution case, the petitioners and other co-accused persons firstly assaulted the mother of the informant when she went to pluck bananas from her share of land and thereafter when other family members tried to save her, they were also assaulted by the petitioners and other co-accused persons, causing a number of injuries to them.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. For an occurrence of 22.04.2022, written report has been given on 29.04.2022 i.e. after seven days of the alleged occurrence and delay has not been explained. Prior to that, the family members of the informant assaulted the petitioner No. 1 and, for which, Dighwara P.S. Case No. 133 of 2022 was registered and after coming to know about this case, the informant lodged the false case against the petitioners. Moreover, the injuries are all simple in nature and injuries of Priyanka Kumari is superficial. There is land dispute between the parties and father of the informant in younger brother of petitioner Dwarika Sah.

06. Learned A.P.P. for the State as well as learned counsel counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that in order to grab the land of father of the informant, the petitioners have caused occurrence since there is no brother to the



informant and there are only sisters.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and further considering the simple nature of injuries, let the petitioners, above named, in the even of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Saran at Chapra in connection with Dighwara P.S. Case No. 136 of 2022 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 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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