

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6842 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- BEERPUR District- Begusarai

1. Satrudhan Sah Son of Shahdeo Sah Vill- Birpur PS- Birpur Dist- Begusarai
2. Rajiv Kumar @ Raju Kumar Son of Anandi Sah Vill- Birpur PS- Birpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Birpur P.S. Case No. 170 of 2023 instituted for the offences under Sections 147, 149, 341, 323, 379, 307, 504 and added Section 302 of the Indian Penal Code.

3. As per prosecution case, the accused persons including the petitioners have assaulted the Informant and his family members by means of lathi, khanti and rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. He further submits that the petitioners and the



Informant are next door neighbour and due to land dispute, the Informant has falsely implicated the petitioners in the present case. He further submits that there is no specific allegation of assault against the petitioners rather the omnibus and general allegation of abusing has been made against the petitioners. The petitioners are only the members of the mob. There is a case and counter case between the parties. The petitioners have not given any injury to the Informant or his any of the family members and, thus, no case under Section 307/302 of the I.P.C. is made out against the petitioners. He has further submitted that the petitioners have no criminal antecedent as has been stated in Para-3 of the present bail application. The petitioners are languishing in judicial custody since 25.11.2023.

5. Learned counsel for the petitioners further submitted that the co-accused viz. Sahdeo Sah and Shubham Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 85670 of 2023. He further submits that co-accused Ranjeet Sah @ Katuk Sah and Rajnish Kumar have also been granted bail by a Co-ordinate Bench of this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 15 of 2024.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioners.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioners as also there being general and omnibus allegation against the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur P.S. Case No. 170 of 2023.

(Rudra Prakash Mishra, J)

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