

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6390 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- SIKTA District- West Champaran

1. Shamim Alam, Son of Sheikh Sunad @ Sheikh Sunad Ali,
 2. Safir Alam, Son of Sheikh Sunad @ Sheikh Sunad Ali
- Both are residents of village- Jhumka Tola Behra, P.S. - Sikta, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sikta P.S. Case No. 97 of 2023, registered for the alleged offences under Sections 147, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons surrounded the informant, who was coming on his motorcycle, and assaulted the informant in the background of previous land dispute. The allegation against the petitioner no.1 is that he gave a ‘daab’ blow on the head of the informant and the co-accused fractured his head with iron rod.



The co-accused snatched Rs.2,30,000/- from the dickey of the motorcycle.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though the allegation against the petitioner no.1 is that he gave '*daab*' blow to the informant on his head, but there was no repetition of blow and the doctor opined that injury was simple in nature. Moreover, dimension of injury shows it is a minor injury having 3 cm x ½ inch visible on head. The allegation against the petitioner no.2 is general as he is said to have assaulted the informant with *lathi*, *fatha*, fists and slaps on the back, waist and chest, but no such injuries caused by the petitioner no.2 were found on the body of the informant. From the facts of the case, it is evident that there was no intention to cause death and, for this reason, there would be no application of Section 307 IPC. The allegation of snatching Rs.2,30,000/- is false and fabricated and there is no specific allegation on this count against any of the accused persons. The petitioners have been made scapegoat in this case by the informant due to earlier land dispute. The learned counsel further submits that the petitioners have got criminal history of four cases.

5. Learned APP vehemently opposes the submission



made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injuries and further considering the background of land dispute and also considering the possibility of false accusation, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran, in connection with Sikta P.S. Case No. 97 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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