

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8251 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- PANCHRUKHI District- Siwan

Ram Barai Singh, Son of Late Babulal Singh, Resident of Village-Itwa, P.S.-
Pachrukhi, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Pachrukhi P.S. Case No. 319 of 2023 registered for the alleged offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other accused persons surrounded the mother of the informant and abused and assaulted her. When the informant intervened to save his mother, the co-accused Santosh Singh and this petitioner gave him blows of knife causing injuries and bleeding. They also took away gold chain and Rs.12,000/- from the informant.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. There is counter version of the present case and Pachrukhi P.S. Case No.320 of 2023 has been lodged under Sections 341, 323, 324, 354, 379/34 IPC against the informant of this case and others for the occurrence of the same date. The learned counsel further submits that the parties are agnates and both sides received injuries in a free-fight which occurred in the background of land dispute. The parties are litigating in Title Suit No. 1115 of 2015 before the learned Sub Judge, Siwan where the petitioner is the defendant no.1. Though there is allegation of giving stab wound against this petitioner, but there is no allegation of repetition of blow and hence, no offence under Section 307 IPC is made out. However, the injury report of the informant has been manufactured and the present case has been lodged as a counter measure by the informant side. The petitioner has got clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that three stab wounds were found on the person of the informant, though allegation of causing two such injuries are against the co-accused, one stab wound of size 2" x 1/4" bone deep on left side has been attributed to this petitioner. However, learned



APP concedes that it has not been mentioned whether the wound is on left side of chest and further concedes that supplementary injury report shows injury on the informant to be simple in nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injuries with small dimension and no repetition of blow has been attributed to this petitioner and further considering the case and counter case between the parties 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan, in connection with Pachrukhi P.S. Case No. 319 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 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)

V.K.Pandey/-

U		T	
---	--	---	--

