

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16620 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Nand Kumar Ram S/o Late Ram Ishwar Ram R/o Village- Khiritand, P.S.-
Udwanatnagar, District- Bhojpur
2. Manoj Ram Son of Late Ram Ishwar Ram R/o Village- Khiritand, P.S.-
Udwanatnagar, District- Bhojpur
3. Saroj Ram Son of Late Ram Ishwar Ram R/o Village- Khiritand, P.S.-
Udwanatnagar, District- Bhojpur
4. Surendra Ram Son of Late Ram Ishwar Ram R/o Village- Khiritand, P.S.-
Udwanatnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Udwanatnagar P.S. Case No. 498 of 2023, registered for the alleged offence under Sections 323, 307, 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners armed with *lathi* and rod assaulted the informant, causing fracture of her head. Other co-accused persons abused and took away a gold locket from the informant. The petitioners and other co-accused persons also resorted to pelting bricks and stones.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The present case has been lodged by the informant to save his skin from Udwanthnagar P.S. Case No. 476 of 2023 lodged by petitioner no. 1 against the informant and others under Section 307 and other allied sections of the IPC. Though there is allegation of assault by iron rod against petitioner nos. 3 and 4, but the injury report shows only superficial injuries of abrasion on left parietal 1/2" x 1/8" and swelling in the right arm. Learned counsel further submits that the informant's side is aggressor and the petitioners' side suffered much graver injuries. The petitioner no. 2 sustained grievous injury in free fight took place between the parties. The FIR has been lodged after delay of almost one month and there is no explanation for this inordinate delay. From the facts of the case, it is apparent that no offence under Section 307 of the IPC is made out against the petitioners. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. 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 injuries received by both sides and further considering the non-specific nature of injury of



the informant, 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 498 of 2023, 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.

Ashish/-

(Arun Kumar Jha, J)

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