

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19152 of 2024

Arising Out of PS. Case No.-228 Year-2018 Thana- GARKHA District- Saran

1. Bipin Rai, Son of Chandeshwar Rai @ Sikandar Ray, Resident of Village-Rustampur, P.S.- Garkha, Distt.- Saran at Chapra
2. Shailesh Rai @ Saleshe Rai, Son of Bhuneshwar Rai, Resident of Village-Rustampur, P.S.- Garkha, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 26-06-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Garkha P.S. Case No. 228 of 2018 registered on 03.06.2018 for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against four named accused persons including the present petitioner. It is specifically alleged against petitioner no. 2 that he assaulted the informant on her head due to which injury has been caused whereas it is alleged against petitioner no.2 that he has assaulted the informant with a sword causing injury on her finger.

3. It is submitted by learned counsel for the



petitioners that from the FIR, the specific allegation against petitioner no. 1 is that he has attacked by a *dab* on the head of the informant due to which bleeding started whereas the allegation against petitioner no.2 is that he has assaulted by a sword due to which cut took place in the hand and finger of the informant. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean. She further submits that from a bare perusal of the FIR, it becomes crystal clear that the informant and accused persons are residents of the same village. The petitioners and the informant are the nearest neighbour and *gotia* also. Counsel further submits that from the content of the FIR, it became crystal clear that the informant and the petitioners' side were sitting on two cots side by side, and at the spur of the moment, this dispute has arisen but with a view to make this case serious, the allegation has been made that petitioners have attacked by *dab* and sword. Learned counsel further submits that both *dab* and sword are sharp-cut weapons whereas the injury upon the informant has been annexed as Annexure-2. Learned counsel submits that from Annexure -2, it becomes crystal clear that injury on the scalp has been made is a lacerated wound and it cannot be made by a sharp cut weapon.

4. Learned counsel further submits that on the hand



also there were no cut injuries. Only lacerated wound is there and in the opinion of the doctor, the injury has been caused by a hard and blunt substance. Learned counsel submits that only with a view to make this case serious, the present FIR has been lodged. Counsel further submits that except section 307 of the I.P.C. all the sections are bailable and the ingredient of Section 307 of the IPC is not there.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits there is a specific allegation against the petitioners in the FIR.

6. In view of the aforesaid facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Saran at Chapra, in connection with Garkha P.S. Case No. 228/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

Ashwini/-

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

