

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16820 of 2024

Arising Out of PS. Case No.-538 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Md. Gulshad Son of Md. Ajij @ Abdul Aziz Resident of Village- Jitwarpur,
Police Station- Muffasil, dist.- Samastipur
 2. Md. Ursad @ Md. Ersad Son of Md. Ajij @ Abdul Aziz Resident of Village-
Jitwarpur, Police Station- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Samastipur (Muffasil) P.S. Case No. 538 of 2023, registered on 21.12.2023 for the offences under Sections 448, 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners tried to forcibly take away the grandson of the informant. When their act was opposed by the informant and his family members they assaulted the informant and his wife causing injuries on their heads.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and have been falsely implicated in the instant case. There is omnibus allegation of assault by *lathi* on heads of the informant and his wife against the petitioners but there could be no application of Section 307 of the Indian Penal Code as blows were not repeated and no serious injury was found on the wife of the informant though one injury was stated to be grievous on the informant as a fracture was observed on the head. The allegation of theft is ornamental. Learned counsel further submits that real fact of the case is that a quarrel took place between the children of the two families and the family of the informant assaulted the petitioners and the informant in collusion with the police filed this false case. The petitioners have no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is allegation of assault by *lathi* on the heads of the informant and his wife and injury report corroborates this fact.

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 also considering the background of dispute, let the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Samastipur/concerned court in connection with Samastipur (Muffasil) P.S. Case No. 538 of 2023, subject to the conditions as 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.

(Arun Kumar Jha, J)

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