

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17038 of 2024

Arising Out of PS. Case No.-810 Year-2023 Thana- BETTIAH CITY District- West
Champaran

Raju Rao @ Sachitanand Rao Son Of Ramanuj Rao Resident Of Village -
Nawgawa, P.S. - Bathwariya (Choutarwa), District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Bettiah Town (Kalibagh OP) P.S.
Case No. 810 of 2023 registered for the alleged offences under
Sections 341, 323, 324, 325, 307, 354, 379 and 504 of the
Indian Penal Code.

03. As per prosecution case, the petitioner and other
co-accused persons, who were variously armed, entered into the
house of the informant and in the background of land dispute
started hurling abuses. When their act was opposed, the co-
accused Ramadhar Rao caused fracture on right hand of the
informant by hitting her with iron rod. The other co-accused



persons further assaulted the informant and her sister. The co-accused Kshitij Kumar Rao and other co-accused assaulted the father of the informant causing a number of injuries. Allegation against the co-accused Pushpa Rao is that she along with co-accused put down the informant by pulling her hairs and the co-accused Kshitij Kumar Rao tore the clothes of the informant.

04. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Admittedly there is land dispute between the parties and both sides have lodged cases against each other. The co-accused Pushpa Rao has filed Bettiah Town (Kalibagh OP) P.S. Case No.828 of 2023 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code against the informant of this case and others and charge sheet has also been submitted. In the said case, Pushpa Rao received injuries and as a counter blast the present case has been lodged making false accusation. The learned counsel further submits that the informant is step sister of the petitioner and due to land dispute she has falsely implicated the petitioner. From the facts of the FIR, it is obvious that there was no intention to cause death to any person and mentioning Sections 379 and 354 IPC is only the super addition and ornamental. The injury reports of the



injured informant, her sister and her father show the injuries are not serious and are merely abrasion, swelling and lacerated wound. The allegation against the petitioner is of giving iron rod blow on the head of the sister of the informant and though the injury of her sister are stated to be grievous but this is due to fracture of right parietal bone. The learned counsel further submits that the petitioner is having criminal antecedent of ten cases. However, these cases have been registered either by the family members of the informant or at their instance and the petitioner is on bail in all such cases.

05. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioner and co-accused persons for assault on the informant, her sister and her father.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the relationship of the petitioner and the informant's side and further considering the nature of allegation against the petitioner which does not appear to be serious and further considering the possibility of false implication 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town (Kalibagh OP) P.S. Case No. 810 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 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)

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