

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18917 of 2024

Arising Out of PS. Case No.-60 Year-2016 Thana- UPHARA District- Aurangabad

1. Dilip Vishwakarma @ Dilip Kumar Vishwakarma S/o Late Bhagwan Vishwakarma R/o vill - Mahaddipur, P.s. - Uphara, Distt. - Aurangabad
2. Karu Vishwakarma @ Ravindra Kumar S/o Late Bhagwan Vishwakarma R/o vill - Mahaddipur, P.s. - Uphara, Distt. - Aurangabad
3. Bucharin Vishwakarma @ Arvind Kumar S/o Late Bhagwan Vishwakarma R/o vill - Mahaddipur, P.s. - Uphara, Distt. - Aurangabad
4. Sanjay Vishwakarma S/o Late Chandradeep Vishwakarma R/o vill - Mahaddipur, P.s. - Uphara, Distt. - Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Uphara P.S. Case No. 60 of 2016 registered for the alleged offences under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused tried to forcibly capture the land of the informant and when the daughter of the informant opposed, she was assaulted by the petitioners and allegation against the petitioners are that they gave a khanti blow on the head of the daughter of the



informant due which she sustained head injury. Further allegation against the petitioners is that they assaulted other family members of the informant and uprooted the bamboo fence from the land of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. After investigation, the police submitted charge sheet only in bailable sections but the learned Trial Court took cognizance also under Section 307 I.P.C apart from other allied sections of the I.P.C. which was without any tangible material on record. Both the parties got into a fight over an admitted land dispute in which the daughter of the informant sustained head injury but the said injury is stated to be simple in nature. The petitioners have clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury and the background of land dispute and the possibility of false implication, let the petitioners, above named, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, in connection with Uphara P.S. Case No. 60 of 2016, 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 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)

tusharika/-

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

