

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17391 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- SAKRA District- Muzaffarpur

1. Md. Akbar Son Of Md. Rahman @ Tasleem Resident Of Village- Sakra Faridpur, Ps- Sakra, Distt- Muzaffarpur
2. Md. Chand Son Of Md. Mansoor Resident Of Village- Sakra Faridpur, Ps- Sakra, Distt- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Sameer, Advocate
For the Opposite Party/s	:	Mrs.Rita Verma, APP
For the Informant	:	Mr.Sumit Jha, Advocate

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 Sakra P.S. Case No. 588 of 2023 registered for the alleged offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused picked up some quarrel with the son of the informant and thereafter co-accused Md. Akthar gave him knife blows on his head causing injuries over right eye and allegation against the petitioners is that they hit the son of the informant with iron rod on the back of his head due to which the son of the informant became unconscious.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From perusal of the FIR, it is apparent that the informant is not an eye witness. The occurrence took place in the background that the son of the informant had taken some articles from the petitioners and when the petitioners insisted on payment, this false and fabricated case has been filed. Learned counsel further submits that there is no allegation of causing any knife injury against the petitioners. The injury report shows five injuries, these injuries are laceration on forehead, headache, giddiness, abrasion over right shoulder and pain in back. None of these injuries could be attributed to the petitioners. Learned counsel further submits that the petitioners have clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the son of the informant suffered hairline fracture of right zygomat as well as fracture of the nasal bone and the injuries are stated to be grievous. Learned counsel for the informant further submits that even the injured has supported the prosecution case and stated that the petitioners assaulted him and



has taken name of the petitioner along with Md. Akthar who assaulted him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injuries attributed to the petitioners and further considering 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 A.D.J.-II, Muzaffarpur, in connection with Sakra P.S. Case No. 588 of 2023, 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)

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