

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23835 of 2024

Arising Out of PS. Case No.-599 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Rameshawar Rai @ Rameshwar Singh S/o Rajballaf Singh R/o Karmaini
Gaji, P.S. - Kuchaikote, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 599 of 2023, registered on 08.12.2023 for the offences under Sections 341, 323, 325, 307 and 34 of the Indian Penal Code.

3. As per the prosecution case, co-accused persons tried to snatch the keys of motorcycle of the son of the informant on gun point and when he opposed their act, the co-accused Mritunjay Singh assaulted him thrice in his abdomen with knife causing bleeding and injuries. Thereafter, the petitioner who is father of the co-accused instead of stopping his son also gave knife blows to the son of the informant causing three injuries in his left hand.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case is completely false and concocted. There is no eye witness to the occurrence and from the F.I.R. it also appears that informant has also not seen the occurrence. Due to rivalry between two families the informant has lodged the present case. The case has been registered after ten days from the date of occurrence, this creates doubt over the prosecution case. The F.I.R. does not show any reasons for the occurrence. Learned counsel further submits the son of the informant is a criminal and he might have received the injuries in a state of intoxication and fight with unknown persons. Moreover, the injury report shows that the injuries are simple in nature though caused by a sharp cutting weapon. Learned counsel further submits that the allegation over the petitioner is of causing injuries over the left arm of the son of the informant and only two skin deep injuries of superficial dimensions were found. Learned counsel further submits that petitioner has been made accused in three cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that specific allegation against the petitioner that he

gave knife blows on the left hand of the son of the informant. Though injuries are stated to be simple all are caused by sharp cutting weapon.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the thrust of allegation is against the co-accused Mritunjay Singh and the allegation against the petitioner is not so serious and the injuries on the left hand has been found to be simple in nature and are having small dimensions, 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 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-I, Gopalganj in connection with Kuchaikote P.S. Case No. 599 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 below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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