

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23029 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- KACCHWA District- Rohtas

1. Badri Singh S/o Late Ganpat Singh Resident of Village - Khiriaon, P.S. - Kachhawan, District - Rohtas
2. Godhan Singh S/o Late Ganpat Singh Resident of Village - Khiriaon, P.S. - Kachhawan, District - Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kachhawan P.S. Case No. 112 of 2023 registered for the alleged offences under Sections 341/323/ 325/ 307/ 379/ 504/ 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons forcibly tried to take away the cattle of the informant and when the informant and his brother queried from their family members, the petitioners and other co-accused persons assaulted the informant and his brother. The



allegation against the petitioner no. 1 namely Badri Singh is that he gave Rama blow on the head of the informant which was obstructed by the informant by his hands and his hand got fractured. Further allegation against the petitioners is that they they assaulted the brother of the informant with lathi causing fracture of his head and both the hands. Other family members of the informant were also assaulted causing injuries to them.

4. The learned counsel for the petitioners submits that the petitioner nos. 1 and 2 are innocent and have been falsely implicated in this case. The FIR has been lodged after a delay of three days for which there is no explanation. The occurrence took place because the cattle of the informant started grazing in the field of the petitioners. The injury report of the informant falsifies the allegation against petitioner no. 1 for striking with Rama since no sharp cut injury was found and two injuries which were found were caused by hard blunt substance. These injuries are on left fore-arm and left knee and one is stated to be grievous. Injuries on other victims are simple and superficial and none of them have sustained injuries on any of the fatal



parts. Considering all these facts, no offence under Section 307 I.P.C. is made out. The allegation of theft is ornamental. Apart from these two offences, other offences as mentioned in the FIR are bailable in nature. The petitioner nos. 1 and 2 are having clean antecedent. Learned counsel further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc No. 6876 of 2024.

5. Learned APP opposes the submission made on behalf of the petitioner nos. 1 and 2.

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 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 Judicial Magistrate, 1st Class, Bikramganj (Rohtas), in connection with Kachhawan P.S. Case No. 112 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 petitioner nos. 1 and 2.
- (ii) The petitioner nos. 1 and 2 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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