

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23551 of 2024

Arising Out of PS. Case No.-1072 Year-2023 Thana- MAJHAULIA District- West
Champaran

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Doma Sah Son Of Late Langatu Sah Resident Of Village - Jaukatiya, P.S.-
Majhauriya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Majhauriya P.S. Case No. 1072 of 2023, registered on 09.12.2023 for the offences under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in the background of earlier land dispute, the petitioner and other co-accused persons caught hold of the informant and allegation against the petitioner is that he gave Farsa blow on the head of the informant causing cut injury and other co-accused persons assaulted with iron rod and lathi.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The background of land dispute is admitted and the parties are agnates. As the informant side cut the ridge of the land of the petitioner, a scuffle took place on 30.11.2023 and in this backdrop and the wife of the petitioner lodged Majhauriya P.S. Case No. 1050 of 2023 under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code on 04.12.2023 and thereafter, on 09.12.2023 the present FIR has been lodged. Only one injury has been found over the right eye of the informant and which is merely swelling. The injury is stated to be simple caused by hard and blunt object which falsifies the allegation against the petitioner that he gave Farsa blow to the informant. Admittedly this case is counter blast of Majhauriya P.S. Case No. 1050 of 2023 lodged by the wife of the petitioner. The petitioner has got clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is that he gave Farsa blow to the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



absence of injury attributed to the petitioner and further considering the case and counter case between the parties in the background of land dispute and possibility of false implication, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned court in connection with Majhauriya P.S. Case No. 1072 of 2023, subject to the condition as 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 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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