

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25958 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- PIRO District- Bhojpur

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1. Bhikhari Sah (M), Aged about 50 years, S/O Late Vishwanath Sah, Resident Of Village- Ojhawaliya More, P.S.- Piro, District- Bhojpur.
 2. Rohit Sah (M), Aged about 22 years, S/O Bhikhari Sah, Resident Of Village- Ojhawaliya More, P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Piro P.S. Case No. 20 of 2024 instituted for the offences punishable under Sections 323, 341, 307, 379, 504/34 of the Indian Penal Code.

3. As per F.I.R., the allegation against the petitioners is to have assaulted the informant and his brother by means of pipe and butt of country made pistol due to which both have sustained injury.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. They



have falsely been implicated in this case. There is case and counter case between both the parties. The F.I.R. has been lodged after the delay of 15 days without any plausible explanation. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 29.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 23.02.2024 and injury report produced by learned counsel for the petitioners, it appears that on the basis of written report of informant Amarnath Pathak, F.I.R. registered against five accused persons including the present petitioners. On perusal of injury report, nature of injury of the informant is simple whereas in case of informant's brother Ashutosh Pathak opinion was kept reserved. There is no allegation of repeated blow against the petitioners. On perusal of the impugned order, it also appears that one of the co-accused Guddu Sah @ Nitish Kumar has been granted bail by learned trial court.

7. Considering the facts and circumstances of the case, nature of weapon used by petitioners and submissions made on behalf of the petitioners as well as period of custody of



the petitioners, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Bhojpur at Ara in connection with Piro P.S. Case No.20 of 2024.

(Ramesh Chand Malviya, J)

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