

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36210 of 2024

Arising Out of PS. Case No.-882 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Muuna Ram, Son of Shiv Kumar Ram

2. Sanoj Ram @ Sanoj Kumar Ram, Son of Baliram

3. Pappu Ram, Son of Surendra Ram

4. Jitendra Ram, Son of Yamuna Ram

5. Mahendra Ram, Son of Raj Munni Ram

6. Babu Lal Ram, Son of Yamuna Ram

7. Surendra Ram, Son of Sri Ram Ram

8. Manoj Ram, Son of Baliram Ram

9. Subash Ram, Son of Yamuna Ram

10. Azad Ram, Son of Babu Lal Ram
- All are residents of Village- Murhariya, P.S.- Mohania, District- Kaimur, Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Choudhary, Sr. Advocate
Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

318-09-2024

Heard learned senior counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Mohania P.S. Case No. 882 of 2023, registered for the alleged offence under Sections 147, 149, 341, 323, 307, 447, 379, 504, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners damaged



the standing crops of the informant while making their movement and when it was opposed by the informant, they abused and assaulted the informant and his family members. The petitioner nos. 2 and 9 assaulted the informant and his uncle with iron rod causing fracture of head of the uncle of the informant and other family members were also assaulted, who received different injuries.

4. The learned senior counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case in the background of land dispute as it is apparent from the FIR. There is counter version of the occurrence and Kaimur (Bhabhua) SC/ST Case No. 63/2023 has been lodged by one Jagiya Devi, the wife of petitioner no.7. The learned senior counsel further submits that except for Rang Bahadur Singh, injuries of other persons are quite simple and are mostly swelling, abrasion, bruise and laceration. All the injuries are stated to be simple except for Rang Bahadur Singh whose one of the injuries are stated to be grievous. The learned senior counsel further submits that for causing such injuries, specific allegation is against the petitioner nos. 2 and 9. The learned senior counsel further submits that however no life threatening injuries have been found and whole occurrence took



place in the background of right to way and persons from both sides received injuries. A number of persons from the petitioners' side also received injuries and four such injury reports have been brought on record and annexed with the petition. The petitioner nos. 1, 5, 6 and 8 are having criminal antecedents of one case, whereas other petitioner nos. 2, 3, 4, 9 and 10 are having clean antecedents.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. The learned APP submits that a number of persons have received injuries in the hands of the petitioners. The injury on the uncle of the informant has been caused on his head and it could have proved fatal.

6. Having regard to the facts and circumstances and considering the specific nature of allegation against the petitioner nos. 2 & 9, I do not find it is a fit case for grant of anticipatory bail to them.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner nos. 2 & 9 is rejected.

8. However, considering the fact that there is no specific allegation against rest of the petitioners and further considering the simple and superficial nature of injuries of other victims and also considering the possibility of false implication,



let the petitioner nos.1, 3 to 8 and 10 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur, in connection with Mohania P.S. Case No. 882 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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