

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29761 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- MANJHAGARH District- Gopalganj

1. Mukesh Sah son of Rajendra Gond R/o Village- Bhaisahi Turha Toli, P.S.-
Manjhagarh, Dist.- Gopalganj
2. Haresh Sah @ Haresh Bhar Son of Rajendra Gond R/o Village- Bhaisahi
Turha Toli, P.S.- Manjhagarh, Dist.- Gopalganj
3. Satendra Bhar Son of Achhelal Bhar R/o Village- Bhaisahi Turha Toli, P.S.-
Manjhagarh, Dist.- Gopalganj

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 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 Manjhagarh P.S. Case No. 432 of 2023, registered on 03.12.2023 for the offences under Sections 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners



an other co-accused persons, who were armed with lathi, danda, sword and iron rod, abused and assaulted the informant. When the family members of the informant intervened they were also assaulted causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation against the petitioner Mukesh Sah is that he gave knife blow on the head of the informant bu the rejection order of learned Additional Sessions Judge shows lacerated injuries were found on the head of the informant and his wife. The allegation against the petitioner Haresh Sah is that of instigating others for killing the informant. The allegation against the petitioner Satendra Bhar is that of abusing and assaulting the informant. However, injury sustained by the informant and his uncle and one Dhan Sah is simple in nature. Learned counsel further submits that the petitioners and informant are co-villagers and there is land dispute and no offence under Section 307 IPC is made out and other offences are bailable in nature. The petitioners have got no criminal antecedent.



5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the allegation is specific against the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury and even absence of injury attributed against petitioner no. 1 and further considering 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court in connection with Manjhagarh P.S. Case No. 432 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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