

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29450 of 2024

Arising Out of PS. Case No.-810 Year-2023 Thana- BETTIAH CITY District- West
Champaran

1. Ramadhar Rao, son of Late Jagarnath Rao,
2. Kshitij Kumar Rao @ Kshitij @ Chhotu, son of Ramadhar Rao,
3. Pushpa Rao @ Pushpa Devi, wife of Ramadhar Rao
All are residents of village- Banuchhapar, P.S- Banuchhapar OP, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
learned APP for the State.

2. In the present case, the petitioners are apprehending
their arrest in connection with Bettiah Town (Kalibagh OP) P.S.
Case No. 810 of 2023 registered for the alleged offences under
Sections 341, 323, 324, 325, 307, 354, 379 and 504 of the
Indian Penal Code.

3. As per prosecution case, the petitioners and other
co-accused persons, who were variously armed, entered into the
house of the informant and in the background of land dispute
started hurling abuses. When their act was opposed, the
petitioner no.1 caused fracture on right hand of the informant by



hitting her with iron rod. The other co-accused persons further assaulted the informant and her sister. The petitioner no.2 and other co-accused assaulted the father of the informant causing a number of injuries. Allegation against the petitioner no. 3 is that she along with co-accused put down the informant by pulling her hairs and the petitioner no. 2 tore the clothes of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Admittedly there is land dispute between the parties and both sides have lodged cases against each other. The petitioner no. 3 has filed Bettiah Town (Kalibagh OP) P.S. Case No.828 of 2023 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code against the informant of this case and others and charge sheet has also been submitted. In the said case, the petitioner no. 3 received injuries and in retaliation thereof the present case has been lodged making false accusation. The learned counsel further submits that the informant is daughter of own brother of petitioner no.1 and she has also made accused to her own brother Sachidanand Rao as accused no.4 in the present FIR. From the facts of the FIR, it is obvious that there was no intention to cause death to any person



and mentioning Sections 379 and 354 IPC is only the super addition and ornamental. The injury reports of the injured informant, her sister and her father show the injuries are not serious and are merely abrasion, swelling and lacerated wound. The injury of the informant and her sister are stated to be grievous but this is due to fracture of right parietal bone. The learned counsel further submits that the petitioner no. 1 is having criminal antecedent of ten cases, the petitioner no. 2 is having criminal antecedent of one case and the petitioner no. 3 is having criminal antecedent of three cases. However, these cases have been registered either by the family members of the informant or at their instance and the petitioners are on bail in all such cases.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners for assault on the informant, her sister and her father.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the relationship of the petitioners and the informant's side and further considering the nature of allegation against the petitioners which do not appear to be serious and further



considering the possibility of false implication in the background of land dispute, 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town (Kalibagh OP) P.S. Case No. 810 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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