

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29601 of 2024

Arising Out of PS. Case No.-624 Year-2022 Thana- BIHTA District- Patna

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Biteshwar Rai Son of Late Jangbahadur Rai Residence of village -
Mustafapur, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 624 of 2022, registered on 26.06.2022 for the offences under Sections 341, 323, 325, 307, 448, 504, 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons armed with *lathi*, *danda* and iron rod entered into the house of the informant and petitioner struck the informant with iron rod on his head and when informant tried to scult the blow, his right hand was fractured. Thereafter, informant was hit on head and he fell down. The petitioners and other co-accused persons thereafter hit the wife of informant, son and younger brother with lathi and danda causing injuries to them.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner and informant are own brothers and land dispute is admitted in the F.I.R. itself. Informant side wants to grab the land of the petitioners and it was the informant side which was the real aggressor. In scuffle the person from the informant side received injuries and taking advantage of this fact the informant lodged this false case. Though it appears from the F.I.R. that the petitioner and other co-accused persons assaulted the informant and others received serious injuries but the injury report completely falsifies the allegation as injuries are only laceration, pain and swelling. All injuries are simple caused by hard blunt object for which opinion has been reserved. Learned counsel submits that F.I.R. has also been lodged after delay for which there is no explanation. The petitioner is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that a number of persons received injuries on assault by the petitioners side.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



mostly simple nature of injuries and the background of land dispute and possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur in connection with Bihta P.S. Case No. 624 of 2022,, subject to the condition 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 petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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