

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35679 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- JAMOBABAZAR District- Siwan

Jagdish Rai Son Of Punkal Rai R/O Village- Bajarmara, P.S.- Jamo Bazar,
Dist-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Jamo Bazar P.S. Case No. 222 of 2023 registered for the alleged offences under Sections 341, 342, 447, 323, 307, 504 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons in the background of land dispute abused and assaulted the family members of the informant causing a number of injuries to them.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant side is aggressor and they have been forcibly making construction on the land of the petitioner on which the

petitioner side has already got an order under Section 144 of the Code of Criminal Procedure Code in their favour. Violating the said order, the informant side has been trying to take possession of the disputed land. Further, there is counter version of the same occurrence and Jamo Bazar P.S. Case No. 221 of 2023 has been filed against the informant side by Santosh Rai of the petitioner's side. There is allegation against the petitioner that he gave *farsa* blow to one Mokhtar Rai but four injuries have been found on Mokhtar Rai and one of the injury has been found to be grievous without specifying the details of the injury. Learned counsel further submits that in fact five persons who have been made accused in this case were brutally assaulted and they received grievous injuries and three other persons also received injuries in the assault by the informant side. Chargesheet has also been submitted in the case filed by the petitioner side under Sections 307, 354 and other allied sections of the I.P.C. Learned counsel further submits that even the incised wound received by Mokhtar Rai appears to be superficial and its dimensions are 5 cm x ½ mm x ½ mm. The petitioner has got no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case

counter case between the parties and further considering non-repetition of any blow and superficial nature of injury received by the victim and also considering the clean antecedent of the petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M. 1st Class, Siwan in connection with Jamo Bazar P.S. Case No. 222 of 2023, 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 court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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