

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33047 of 2024

Arising Out of PS. Case No.-536 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Sone Lal Ram S/o Late Ganour Ram R/o vill - Laguniyan Raghukanth, ward no. 09, P.S. - Mufassil, Distt. - Samastipur
 2. Mithilesh Ram @ Mithlesh Ram @ Mithlesh Kumar Ram S/o Sonelal Ram R/o vill - Laguniyan Raghukanth, ward no. 09, P.S. - Mufassil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Mufassil Case No. 536 of 2022 registered for the alleged offences under Section 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons came to the purchased land of the complainant informant and told him to vacate the land. On refusal of the informant, the petitioners and other co-accused persons assaulted the informant, his wife and his other family members causing a number of injuries to them. They also snatched ornaments and cash.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Land dispute is admitted from the F.I.R. The parties are next door neighbours. The occurrence took place on 17.07.2020 but the complaint has been lodged only on 24.08.2020 and thereafter F.I.R. has been registered on 21.11.2022 but there is no explanation for the inordinate delay. Learned counsel further submits that though there is allegation of causing injuries but no injury report has been brought on record and the same is also not mentioned in the rejection order of learned Sessions Judge. The petitioners have also filed a complaint case bearing C.R. No. 769 of 2020 against the informant and others as they were assaulted by the informant side. The petitioners are having clean antecedent.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is case and counter case between the parties and further considering the background of land dispute between the parties, 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/- (Rupees Ten Thousand Only) each with two sureties

of the like amount each to the satisfaction of learned Court of A.C.J.M.-II, Samastipur in connection with Mufassil Case No. 536 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 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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