

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35451 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- BHARGAMA District- Araria

1. Md Elyash @ Iliyas @ Md Iliyas Son of Md. Safayat Resident of Village - Baijupatti, Ward no 02, Manfar, P.S.- Bhargama, District - Araria.
2. Md. Gyash @ Md. Gayash Son of Late Md. Safayat Resident of Village - Baijupatti, Ward no 02, Manfar, P.S.- Bhargama, District - Araria.
3. Md. Jabbar @ Abdul Jabbar Son of Late Md. Safayat Resident of Village - Baijupatti, Ward no 02, Manfar, P.S.- Bhargama, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-09-2024 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 Bhargama P.S. Case No. 263 of 2023, registered on 02.10.2023 for the offences under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute, the petitioners and other co-accused persons assaulted the informant and his family members with sword and iron rod causing injury to them.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. The land dispute is admitted from the facts of the case. Injuries of the victim are all simple in nature and except two injuries to the informant and his uncle, all injuries are caused by hard and blunt object. The injury of the informant and his uncle is stated to be caused by sharp cutting weapon. However, the size of injuries are 5cm x 0.5cm x ¼cm and 3cm x 0.5cm and are superficial injuries. Injuries of other injured are merely laceration, swelling, tenderness and abrasion. There is case and counter case between the parties and mother of petitioners has lodged Bhargama P.S. Case No. 264 of 2023 for the offences under Sections 341, 323, 324, 325, 307, 354B, 379, 504, 506/34 of the Indian Penal Code. The petitioners have no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the specific allegation has been levelled against the petitioners of causing injury by sword and iron rod.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the absence of life threatening injury and further considering the simple and superficial nature of injury and also clean antecedent of the petitioners, 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 Judicial Magistrate, Ist Class, Araria/concerned court in connection with Bhargama P.S. Case No. 263 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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