

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33463 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- SIDHWALIYA District- Gopalganj

1. Shiv Shanker Prasad @ Shiv Shankar Prasad Son of late Kanhaiya Prasad @ late Kanaiya Prasad Resident of Village - Bucheya Mathiya , P.S. - Sidhwaliya, District - Gopalganj, Bihar
2. Pappu Kumar Son of late Kanhaiya Prasad @ late Kanaiya Prasad Resident of Village - Bucheya Mathiya , P.S. - Sidhwaliya, District - Gopalganj, Bihar
3. Raj Kumar @ Amit Kumar Son of Sudama Prasad Resident of Village - Bucheya Mathiya , P.S. - Sidhwaliya, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in in connection with Sidhwaliya P.S. Case No. 46 of 2024 instituted for the offences under Sections 307, 447, 341, 342, 323, 324, 325, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. Prosecution allegation, in short is that Sunaina Devi was running her shop with her son Sonu Kumar as usual, the accused suddenly came to her shop and attacked her. Her son was caught by Shivshankar Prasad with the intention to kill him and then he was hit on the head with 'daab' by Pappu



Kumar due to which her son badly injured and when she went to save him, she was strangled by Jitendra Kumar. All the accused beat the informant and her son, injured and stripped the informant and ran away with Rs 4500/- from the informant's hotel wallet.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Medical report does not support the prosecution case. No 'daab' injury was found on the person of the injured. No occurrence as alleged has taken place. Only a simple fight took place between the parties over a petty dispute hence no offence under Section 307 IPC is made out against the petitioners. Both sides are co-villager and land dispute is pending between the parties. Petitioner Nos. 1 and 2 have got antecedent of one criminal case whereas petitioner No. 3 has clean antecedent and they are in custody since 25.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) each with two sureties
of the like amount each to the satisfaction of Court
below/concerned Court in connection with Sidhwaliya P.S.
Case No. 46 of 2024

(Rudra Prakash Mishra, J)

Prakash/-

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