

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35680 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- DORIGANJ District- Saran

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1. Binod Rai @ Vinod Rai @ Binod Kumar Son Of Late Pharindra Rai Resident Of Village- Kazipur, Ps- Doriganj, Dist- Saran
 2. Rohit Kumar Son Of Binod Rai @ Vinod Rai Resident Of Village- Kazipur, Ps- Doriganj, Dist- Saran
 3. Sandula Devi Wife Of Binod Rai @ Vinod Rai Resident Of Village- Kazipur, Ps- Doriganj, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 11-06-2024 Learned counsel appearing on behalf of the petitioners

submits that petitioner no. 1 has been arrested by police during the pendency of the present petition and seeks permission to withdraw the application for grant of anticipatory bail of petitioner no. 1.

02. Permission is accorded.

03. Accordingly, application of petitioner no. 1, namely, Binod Rai @ Vinod Rai @ Binod Kumar is dismissed as withdrawn.

04. Heard learned counsel for the petitioner nos. 2 & 3 and learned A.P.P. for the State.

05. In the present case, the petitioner nos. 2 & 3 are apprehending their arrest in connection with Doriganj P.S. Case No. 11 of 2024 registered for the alleged offences under Section 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

06. As per prosecution case, petitioners and co-accused persons armed with iron rod and *lathi* abused and assaulted the informant, his wife and his son causing injuries to them.

07. Learned counsel for the petitioner nos. 2 & 3 submits that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the parties and co-accused Binod Rai gave a petition before the learned S.D.M., Chapara on 31.10.2023 to initiate a proceeding under Section 144 of the Code of Criminal Procedure. There is counter version to the case of the informant and co-accused Binod Rai has filed and Doriganj P.S. Case No. 16 of 2024 against the informant side and the said case was registered on the basis of *fardbeyan* of co-accused Binod Rai. Learned counsel further submits that both sides received injuries. Learned counsel further submits that the injuries of the informant shows one lacerated wound on occipital area of the head and an abrasion on the forehead and the injuries are stated to be simple and caused by hard blunt object. The injury report shows superficial injuries and size of injury is 1.5”X1/2” skin deep. Learned counsel further submits that merely to put pressure not to pursue their case lodged by the co-accused against the informant and others, the present case has been lodged after delay of four days. Learned counsel further submits that petitioners are having clean antecedents.

08. Learned A.P.P. for the State opposes the submission

made on behalf of the learned counsel for the petitioners.

09. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case between the parties and the background of land dispute and possibility of false accusation, let the petitioner nos. 2 & 3, namely, Rohit Kumar and Sandula Devi, 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 C.J.M., Saran in connection with Doriganj P.S. Case No. 11 of 2024, 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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