

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35418 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- KONCH District- Gaya

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1. Shanti Devi Wife Of English Ravidas Village- Bhimber, Ps- Konch, Dist- Gaya
 2. Kamindar Das Son Of English Ravidas Village- Bhimber, Ps- Konch, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 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 Konch P.S. Case No. 425 of 2023 registered for the alleged offence under Sections 147, 149, 447, 341, 323, 307, 504, 506 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons brutally assaulted the informant and his family members causing a number of injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The whole occurrence took place on a dispute over grazing of cattle. For the same occurrence, the petitioners side has lodged



Konch P.S. Case No. 426 of 2023 under Section 307 and other allied sections of IPC including Section 3(i)(r) 3(v-a) of the SC/ST (Prevention of Atrocities) Act against the informant side. The informant of the counter case along with others received some injuries and his injury report has been filed on record as Annexure-P/3, which shows serious injuries on head. In the present case, the informant side has received simple injuries which are merely swelling, body-ache etc. and the injury report of these persons shows superficial injuries. Learned counsel further submits that submits that the allegation against the petitioners does not make any sense as no injury, weapon or treatment has been mentioned in the FIR, whereas the husband of the petitioner no. 1 was admitted in the hospital and underwent treatment for three days and this shows the falsity of allegation. The petitioners have got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. 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 probability of false accusation and further considering the superficial nature of injury of the victim, let the petitioners above named, in the even 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 Judicial Magistrate 1st Class, Gaya/concerned court, in connection with Konch P.S. Case No. 425 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 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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