

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37839 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- NAANPUR District- Sitamarhi

1. Shyam Rai Son of Late Kailash Rai Resident of Village- Chhota Bhadian, P.S- Nanpur, Dist- Sitamarhi
2. Manishankar Kumar @ Manishankar Son of Late Ram Goyal Rai Resident of Village- Chhota Bhadian, P.S- Nanpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 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 Nanpur P.S. Case No. 377 of 2023, registered on 30.07.2023, for the alleged offence under Sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, petitioners and 32 other FIR named accused persons, who were armed with *lathi*, *danda*, iron rod and *farsa*, entered into the house of the informant and assaulted her husband, her brother-in-law and other family members, causing a number of injuries to them. The occurrence took place in the background of land dispute.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners were neither present at the spot nor they have any concern with the occurrence. There is admitted land dispute between the parties. The true facts of the case are that on 27.07.2023, i.e., the alleged date of occurrence, the informant's husband and his entire family attacked the house of the petitioners and brutally assaulted the family members of the petitioners and Nanpur P.S. Case No. 378 of 2023 has been lodged against the informant's side. Learned counsel further submits that, in fact, the informant's side are assailants and the present case has been lodged as a counterblast. The injury report of the victim shows simple injuries caused by hard and blunt substance and no injury of any sharp cutting weapon has been found. There was no intention to cause death and this fact is also apparent from the injury report as the injuries on the husband and brother-in-law of the informant are single injury to each on head of size 3" x 2/3" x 1/4" and 6" x 1/4" x 1/4", respectively and the injuries appear to be laceration. Other victims have also received injuries which are lacerated wounds, abrasions and bruises. The petitioners are having clean 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 non-serious nature of injuries and further considering the possibility of false implication, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 377 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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