

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40524 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- BISHUNPUR District- Darbhanga

Rajesh Kumar Singh, Son of Ram Sakha Singh, Resident of Village-Dih
Rampur, P.S. - Bishanpur, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bishanpur P.S. Case No. 88 of 2023 registered for the alleged offences under Sections 341, 323, 324, 325, 308, 354(B), 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons, who were armed with *lathi*, *danda*, rod and axe, entered into the house of the informant and started assaulting the husband of the informant. When the informant intervened and tried to save him, the petitioner gave her an axe blow on her head. Thereafter, co-accused Devashish Singh repeatedly struck on her with rod on the head, back and other



parts of the body. The informant was also disrobed by the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The land dispute is admitted. There is counter version of the said case and Bishanpur P.S. Case No.91 of 2023 has been lodged by the aunt of the petitioner against the informant's side and in the said occurrence, the uncle of the petitioner was assaulted by the informant and her family members. The learned counsel further submits that though there is allegation of giving axe blow against the petitioner but no such injury has been found on the head of the informant and injury is lacerated wound of size 1x 0.5 x 0.5 cm over right frontal region, which falsifies the allegation of assaulting the informant by an axe by the petitioner. Allegation of disrobing the informant against the petitioner is false and concocted. There is no injury report of the husband of the informant, which further falsifies the allegation of assault against him. The injury received by the informant is simple and caused by hard and blunt object. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the absence of injury attributed to this petitioner and also considering the background of land dispute with possibility of false implication and clean antecedent, let the petitioner above named in the event of his 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Darbhanga, in connection with Bishanpur P.S. Case No. 88 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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)

V.K.Pandey/-

U		T	
---	--	---	--

