

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39525 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- KARANDAY District- Sheikhpura

1. Abhijeet Kumar, Son of Sujit Kumar Resident of village - Lataut, P.S.- Karandey, District - Sheikhpura.
2. Balram Mahton @ Balram Prasad Son of Nandlal Mahton Resident of village - Lataut, P.S.- Karandey, District - Sheikhpura.
3. Sudama Mahton @ Sudama Prasad Son of Kailash Mahton Resident of village - Lataut, P.S.- Karandey, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Bariar, Adv.
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Nilendu Kumar Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 2 13-06-2024 01. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.
02. Learned counsel for the petitioners submits that the petitioner no. 2, namely, Balram Mahton @ Balram Prasad has already surrendered and seeks permission to withdraw the present petition against this petitioner.
03. Permission is granted and the present petition is dismissed as withdrawn against the petitioner no. 2.
04. In the present case, the petitioners no. 1 and 3 are apprehending their arrest in connection with Karandey P.S. Case No. 20 of 2024 registered for the alleged offences under



Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

05. As per prosecution case, the petitioners and other co-accused persons assaulted the informant with iron-rod, lathi and stones causing injuries to him. The occurrence took place in the background of cleaning of drain.

06. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that there is dispute over drainage of water. There is case and counter case between the parties and Karandey P.S. Case No. 21 of 2024 has been lodged against the informant side by the petitioners. Petitioner no. 1 (Abhijeet Kumar) is a young boy who has just completed 18 years of age and the allegation against him is that he hit the informant with stones on his back. There is general allegation against the petitioner no. 2 (Sudama Mahton @ Sudama Prasad) along with others for assaulting the informant and one Sanjeev Kumar so, there is no allegation of causing any serious injury against the petitioners. Petitioner no. 1 has got no criminal antecedent whereas petitioner no. 3 has got criminal antecedent of one case.

07. Learned A.P.P. for the State as well as learned



counsel for the informant vehemently opposes the submission made on behalf of the learned counsel for the petitioners. Learned counsel for the informant submits that petitioner no. 1 caused injury on the back of the informant and from the assault of petitioner no. 2, the informant received injury on his face.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-serious nature of allegation against the petitioners which is not quite specific and the injury is not stated to be caused on vital part of the informant by the petitioners, let the petitioners no. 1 and 3 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 Court of Judicial Magistrate First Class, Sheikhpura/concerned court in connection with Karandey P.S. Case No. 20 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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