

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40709 of 2024

Arising Out of PS. Case No.-123 Year-2022 Thana- MAHUA District- Vaishali

1. Dharambir Singh @ Chhotu Singh, Son Of Late Asheshwar Singh, Resident Of Village - Narharpur, P.S. - Jandaha, District - Vaishali
2. Dipak Kumar @ Love Kumar, Son Of Dharambir Singh @ Chhotu Singh, Resident Of Village - Narharpur, P.S. - Jandaha, District - Vaishali
3. Sonu Kumar, Son Of Rajkumar Singh, Resident Of Village - Matia, P.S. - Desari, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 123 of 2022, registered for the alleged offences under Sections 341, 427, 430, 504, 354 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, due to previous enmity, petitioners and other co-accused persons destroyed the tobacco crop of the informant. When their act was opposed, they tried to kill the informant and also opened fire.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Earlier the wife of petitioner no.1 has lodged Jandaha P.S. Case No. 93 of 2021 against the informant side and to pressurize the petitioners, this false case has been lodged. Learned counsel further submits that so far as damage of tobacco crop is concerned, it was due to various other reasons or running over the crop by '*Neelgai*'. Petitioner no.1 is the father of petitioner no.2 and maternal uncle of petitioner no.3. Petitioner no.1 is having criminal antecedent of four cases, petitioner no.2 is having criminal antecedent of two cases and petitioner no.3 is having criminal antecedent of one case. All the cases have been lodged either by the informant or his relatives.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of previous enmity coupled with strong possibility of false accusation, 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/- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur/ court concerned in connection with Mahua P.S. Case No. 123 of 2022, 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 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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