

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40547 of 2024

Arising Out of PS. Case No.-23 Year-2019 Thana- KORANSARAI District- Buxar

- 1. Bhagmaniya Devi W/O Ramayan Mahto R/O Village- Kopwan, P.S- Koran Sarai, Distt.- Buxar.
- 2. Ramayan Mahto S/O Late Bhim Mahto R/O Village- Kopwan, P.S- Koran Sarai, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party/s : Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 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 Koran Sarai P.S. Case No. 23 of 2019 registered on 27.03.2019 for the alleged offences under Section 147, 149, 341, 323, 308, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons were cutting the lentil crop from disputed land and when protested by the informant they started assaulting the informant and his family members causing a number of injuries to them.

04. Learned counsel for the petitioners submits that the

petitioners are innocent and have been falsely implicated in this case. The petitioners and informant are agnates and land dispute is admitted in the F.I.R. itself. There is counter version to the occurrence and Koran Sarai P.S. Case No. 24 of 2019 has been lodged against the informant side under Section 308 and other allied sections of the Indian Penal Code. Learned counsel further submits that there is general and omnibus allegations against altogether ten persons and no specific overt act has been attributed to any of them. Even the injuries received by the victims do not show any serious injury and mostly the injuries are superficial in nature. Only one person has received injury on his head and police exonerated two co-accused persons which puts a serious doubt over prosecution story. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that a number of victims received injuries in the assault by the petitioners and other co-accused persons.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general and vague nature of allegation and further considering the background of land dispute and possibility of false accusation and also the not so serious nature of injuries, 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 Court of A.C.J.M.-V, Buxar in connection with Koran Sarai P.S. Case No. 23 of 2019, 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)

anuradha/-

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