

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38439 of 2024

Arising Out of PS. Case No.-184 Year-2020 Thana- GURUA District- Gaya

1. Birju Mistri @ Birju Kumar Son of Krishna Mistri @ Krishn Mistri Resident of Village- Srur, P.S.- Gurua, District- Gaya.
2. Niraj Kumar Son of Krishna Mistri @ Krishn Mistri Resident of Village- Srur, P.S.- Gurua, District- Gaya.
3. Dhananjay Mistry @ Dhanandhan Mistry @ Dhandhan Mistry Son of Krishna Mistri @ Krishn Mistri Resident of Village- Srur, P.S.- Gurua, District- Gaya.
4. Ajay Mistri Son of Krishna Mistri @ Krishn Mistri Resident of Village- Srur, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 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 Gurua P.S. Case No. 184 of 2020, registered for the alleged offences under Sections 341, 323, 338, 325, 308, 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and co-accused persons assaulted the informant with *lathi* and *danda* and when her parents and brother tried to save her, they were also assaulted, causing 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. Learned counsel further submits that petitioner no. 2 is the uncle of the informant and land dispute is admitted. There is general and omnibus allegation against the petitioners and other co-accused persons. The injuries are stated to be simple in nature. From the facts of the case, no offence under Section 308 of the IPC is made out and other offences are bailable in nature. 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 background of land dispute, simple nature of injuries and probability 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 Chief Judicial Magistrate, Gaya/court concerned in connection with Gurua P.S. Case No. 184 of 2020, 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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