

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40028 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- TAJPUR District- Samastipur

1. Baijnath Rai S/O Late Munshi Lal Ray R/O Village Indrawara Baburbani, P.S. Tajpur, Distt-Samastipur
2. Jitendra Kumar S/O Baijnath Rai R/O Village Indrawara Baburbani, P.S. Tajpur, Distt-Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Om, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Tajpur (Halai OP) PS Case No. 453 of 2023 dated 11-08-2023, instituted for the offence punishable under Section 447, 448, 341, 323,307, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners in the F.I.R. is that petitioner no.1, namely Baijnath Rai assaulted the son of informant, namely, Anand with *Lathi* causing injury and allegation against the petitioner no.2, namely, Jitendra Kumar is that he pierced spear on the head of informant and further



allegation is that petitioner No.2 pierced spear on the abdomen of the son of informant, namely, Anand causing injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner No.1 assaulted with *lathi* on the head of the informant's son and it is alleged that petitioner No.2 pierced spear on the head of the informant. Further allegation is that he pierced spear on the abdomen of the son of informant, namely, Anand on account of which he sustained injury. Further submission is that from the injury reports of the informant and her son, which is annexed with the case diary, it is clear that both have sustained simple injury caused by hard blunt object. The injury report does not corroborate the prosecution case. It is further submitted that there is case and counter case between the parties. It is further submitted that wife of petitioner No.1, namely, Sanju Devi lodged Tajpur (Halai O.P.) P. S. Case No. 452 of 2023, under Sections 147,148, 447, 448, 341, 323, 307, 379, 354 and 504 of the Indian Penal Code against the informant and others. It is submitted that petitioner No.1 is the elder brother of the husband of the informant and petitioner No.2 is the nephew of informant. Lastly, it is submitted that one criminal case is



pending against the petitioner No.1 whereas, petitioner no.2 has no criminal antecedents. They are languishing in custody since 28-03-2024.

5. Learned APP for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M. Samastipur, in Tajpur (Halai OP) PS Case No. 453 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

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