

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40396 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- RIVILGANJ District- Saran

1. Munib Rai S/O Jaga Rai R/O Village- Nayabasti Bhadpa, P.S- Revelganj, Distt.- Saran.
2. Baleshwar Rai @ Ramesh Yadav S/O Ram Swarup Rai R/O Village- Nayabasti Bhadpa, P.S- Revelganj, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, 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 Revelganj P.S. Case No. 166 of 2023, registered on 13.06.2023 for the offences under Sections 323, 341, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other nine co-accused persons surrounded the son of the informant and assaulted him with butt of country made katta and Farsa causing injury to him. On his alarm, when his neighbour tried to save him, petitioner no. 2 and another co-accused attacked him with knife causing injury on his head and nose.



Other co-accused persons also assaulted the victims with rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is no specific allegation of any overt act against petitioner no. 1 whereas the allegation of assault with knife against petitioner no. 2 and other co-accused persons, however, injury report does not support the allegation. There is case and counter case and there is land dispute between the parties. The informant is aggressor and Revelganj P.S. Case No. 48 of 2024 has been registered against the informant side for the same occurrence. Due to old enmity the informant side attacked the Barat of the daughter of Dev Saran Yadav, father of one of the co-accused person who lodged the case against the informant side which is the reason for false implication of the petitioners and other co-accused persons. The petitioners are having no criminal antecedent.

5. Learned APP opposes the submission 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 counter version in the background of land dispute and possibility 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran at Chapra/concerned court in connection with Revelganj P.S. Case No. 166 of 2023, subject to the condition as 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)

DKS/-

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

