

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40804 of 2024

Arising Out of PS. Case No.-32 Year-2021 Thana- TURKAULIYA District- East Champaran

1. Amit Kumar @Amit Kumar Singh @Amit Singh, S/O Satyanarayan Singh, R/O Village Manjhariya, P.S. Raghunathpur O.P.(Turkauliya) Distt-East Champaran
2. Birendra Kumar, S/O Satyanarayan Singh, R/O Village Manjhariya, P.S. Raghunathpur O.P.(Turkauliya) Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, 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 Turkauliya (Raghunathpur O.P.) P.S. Case No. 32 of 2021, registered for the alleged offences under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons making an unlawful assembly assaulted the informant and his family members when the informant opposed their act of putting drain pipe. Allegation against petitioner no.1 is that he gave a spade blow on the right scapula of the



informant whereas petitioner no.2 assaulted the grand daughter of the informant by *garasi* causing cut on her head. Other family members of the informant were also assaulted by other co-accused persons.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that there is land dispute between the parties. There is case and counter case between the parties and petitioner no.1 has lodged Turkauliya (Raghunathpur O.P.) P.S. Case No. 23 of 2021 under Sections 341 and 323 and other allied sections of IPC against the informant and others. The present case has been lodged after much delay and for an occurrence of 07.01.2021, FIR has been lodged on 10.01.2021 without any satisfactory explanation. Injury of the informant is said to be grievous due to fracture of right shoulder whereas injury of grand daughter of the informant is lacerated wound 2½”x ¾”x¼” on left side of her head but the said injury is said to be simple. Both the injuries are stated to be caused by hard and blunt substance. However, no occurrence as alleged has ever taken place and it appears to be pressure tactics on the part of the informant side. Furthermore, no offence under Sections 307 and 354 of IPC is made out against the petitioners.



Petitioners are having clean antecedent.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners. Learned APP submits that specific allegation against the petitioners for causing injuries to the informant and his grand daughter.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the earlier lodged case by the petitioners' side and further considering the non-serious and superficial nature of injuries of the victims and further considering the land dispute between the parties and also considering the clean antecedent of the petitioners coupled with 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 Chief Judicial Magistrate, East Champaran, Motihari/ court concerned in connection with Turkauliya (Raghunathpur O.P.) P.S. Case No. 32 of 2021, 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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