

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40399 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Kalibagh District- West Champaran

1. Md Amir Raja @ Amil S/o Md. Kusmuddin R/o Village-Mohammad Nagar, P.s.-Bettiah Town, District-West Champaran
2. Mahanth Ganni @ Taukir Asraf @ Taukid Asraf S/o Md. shamim Ahmad R/o Village-Mohammad Nagar, P.s.-Bettiah Town, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, Advocate

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 Bettiah Town (Kalibagh) P.S. Case No. 10 of 2024, registered on 21.03.2024 for the offences under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and 3-4 persons came in front of the house of the informant and hurled abuses. When the informant forbade them, they surrounded and assaulted the informant with knife.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. The FIR has been lodged after delay of six days for which there is no explanation. The petitioners are students and some hot exchange took place between the petitioners and informant over some petty dispute and there was no intention to cause injury to the informant. Moreover, the injury suffered by the informant is stated to be simple in nature though on lower thorax posteriorly and the same is not on any vital part. The petitioners have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the fardbeyan was recorded on 16.03.2024 and there was no delay in recording of the fardbeyan and there is allegation against petitioner no. 2 is that he gave knife blow and knife was supplied by petitioner no. 1.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that both the petitioners are stated to be students and further considering the simple nature of injury, 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 Chief Judicial Magistrate, West Champaran, Bettiah/concerned court in connection with Bettiah Town (Kalibagh) P.S. Case No. 10 of 2024, 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)

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