

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44348 of 2024

Arising Out of PS. Case No.-64 Year-2020 Thana- GAUTAMBUDHNAGAR District- Siwan

1. Sharda Devi Wife of Sada Mahto Resident of Village - Bajarihiya, P.S. - G.B. Nagar, District - Siwan
2. Bhushan Mahto @ Bhushan Kumar Son of Sada Mahto Resident of Village - Bajarihiya, P.S. - G.B. Nagar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 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 G.B. Nagar P.S. Case No.64 of 2020, registered on 12.03.2020 for the offences under Sections 147, 149, 323, 325, 307, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his son with *Daab* and *Farsa* causing injuries to them.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to



land dispute between the parties. The allegation against the petitioner Sharda Devi is that of giving *Daab* blow on the head of the son of the informant but no sharp cut injury was found on the head of the son of the informant and his injury is stated to be swelling over scalp and abrasion on left shoulder, though, opinion has been reserved about nature of injury. There is no specific allegation against the petitioner, Bhushan Mahto and the injuries of the informant are stated to be simple caused by hard blunt object. Learned counsel further submits that in the facts of the F.I.R. no offence under Section 307 of IPC is made out against the petitioners who are having clean 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 fact that petitioner no.1 is lady and the injury report does not show any sharp cut injury for which allegation is against the petitioner no.1 and further considering the fact that there is no specific allegation against the petitioner no. 2 and also considering the simple nature of injuries of the informant, 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, Siwan/concerned court in connection with G.B. Nagar P.S. Case No. 64 of 2020, 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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