

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42918 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- SAHPUR District- Bhojpur

Suraj Ram @ Suraj Prakash, Son of Om Prakash Prasad, R/O Village Dewmalpur Bahudari, P.S.- Shahpur (Karnamepur), District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayashankar Mishra, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-09-2024 Heard Mr. Mayashankar Mishra, learned Advocate appearing on behalf of the petitioner and Dr. Indihar Kumari, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Shahpur(Karnamepur) P.S. Case No. 400 of 2023, registered for the offences punishable under Sections 341, 323, 307, 354-B, 385, 504 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that while the informant alongwith her family members were indulged in constructing a thatched house, in the mean time all the FIR named accused persons came there and brutally assaulted. There is specific allegation that the petitioner alongwith co-accused Shashi Ram assaulted the informant and one Shiv Kumari Devi, due to which they sustained serious



injury. There is allegation against the petitioner and others also to misbehave with the informant.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of this Court to the FIR submitted that the alleged occurrence took place on 31.08.2023, but the present FIR has been instituted on 03.09.2023 and the reason for delay has not even been assigned. It is next contended that in fact on account of a land dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the side. Moreover, the present case is nothing but a counterblast to Shahpur(Karnamepur) P.S. Case No. 399 of 2023, lodged by the sister of the petitioner, which is on earlier point of time. Drawing the attention of the injury report, it is further contended that so far the injuries sustained to injured Shiv Kumari Devi is concerned, the nature of injury caused over her head is still reserved and others are simple. The injury sustained to Mala Devi is also found to be simple in nature. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioner has caused serious injury to the injured Shiv Kumari Devi and Mala Devi.



6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case on account of land dispute, resulting into injuries to persons of both the side; so far the injuries sustained to Shiv Kumari Devi is concerned, it has though been attributed against two of the persons, but did not specify who assaulted over the head, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Ara, Bhojpur in connection with Shahpur(Karnamepur) P.S. Case No. 400 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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