

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47700 of 2024

Arising Out of PS. Case No.-254 Year-2023 Thana- SARAI District- Vaishali

- 1. Kanti Devi W/O Achhelal Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.
- 2. Nirmala Devi W/O Rambabu Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.
- 3. Achhelal Rai S/O Late Ramvrit Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.
- 4. Sabin Kumar S/O Achhelal Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.
- 5. Ravin Kumar S/O Achhelal Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.
- 6. Anuj Kumar @ Anud Kumar S/O Ramababu Rai R/O Village- Majhauri, Mahmadpur, P.S- Sarai, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sarai P.S. Case No. 254 of 2023, registered for the alleged offences under Section 148, 149, 324, 326, 341, 323, 504, 506 and 307 of the Indian Penal Code.

03. As per prosecution case, the petitioners and co-accused persons who were armed with sword, *farsa* and rod started abusing the mother of the informant and also assaulted her by

sword. When the informant tried to save her, he was also assaulted by sword. The brother and father of the informant were also assaulted with rod.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and informant side are agnates and there is land dispute between them. There is case and counter version and petitioner no. 3 lodged Sarai P.S. Case No. 246 of 2023 against the informant and others under Section 307 and other allied sections of the Indian Penal Code. The said case was lodged prior to the case lodged by the informant and the present case has been lodged only to save their skin by the informant side. Learned counsel further submits that a scuffle took place between two sides and persons from both sides received injuries and utmost the case is of free fight but no intention to cause any death could be inferred from such injuries. The matter has been compromised between the parties. Learned counsel further submits that the injuries of the victims are non-serious and simple in nature and the petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

earlier counter version of the petitioners and further considering the background of land dispute and 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Vaishali at Hajipur in connection with Sarai P.S. Case No. 254 of 2023, subject to the condition 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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