

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50150 of 2024

Arising Out of PS. Case No.-12 Year-2017 Thana- VAISHALI District- Vaishali

1. Uday Kumar, son of Krishna Sah,
 2. Rahul Kumar, son of Krishna Sah,
 3. Krishna Sah, son of late Narayan Sah
 4. Usha Devi, wife of Krishna Sah
- All are residents of Village- Vaishali Tola Chauk, P.S- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 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 Vaishali P.S. Case No. 12 of 2017, registered for the alleged offences under Sections 341, 323, 325, 308, 504 & 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant with *gadasa*, iron rod and *lathi* causing a number of injuries to him. They also snatched Rs. 5500/- from the informant.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant's side are agnates and there is land dispute between the parties. The occurrence took place in this background. There is counter version and the petitioner no.4 Usha Devi has lodged Vaishali P.S. Case No. 14 of 2017 against the informant's side for offences under Sections 323, 324, 325, 341, 342, 447, 354, 379/34 of the Indian Penal Code. The petitioners also received injuries for which there is no explanation. The learned counsel further submits that though one of the injuries of the informant is stated to be a cut wound over scalp but the dimensions of the injuries are small. The learned counsel further submits that the land dispute has been settled between the parties and both the parties have compromised the matter.

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 case and counter case between the parties in the background of land dispute and further considering the non-serious nature of injuries and also considering the possibility of false implication, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 12 of 2017, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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