

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47016 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- BASOPATTI District- Madhubani

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Jagnnath Sah @ Jagnath Sah S/o Late Chauthi Sah Resident of Village
Madhiya, P.S.-Basopatti, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the informant	:	Mr. Jitendra Kumar Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner as well as

learned APP for the State and the learned counsel appearing on

behalf of the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 206 of 2023, registered on 18.09.2023 for the offences under Sections 323, 341, 324, 379, 307, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner abused the wife of the informant and when the informant intervened, the petitioner and other co-accused persons assaulted the informant, his son and other family members. They also took away Rs.50,000/-.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation against the petitioner is of hitting the informant with spade on his head but injury report does not show any injury though two injuries on right index finger and hand of the informant has been observed. Moreover, the injuries are quite simple in nature considering the dimension of the injury. Learned counsel further submits that the true fact is that the informant is aggressor and the petitioner has lodged Basopatti P.S. Case No. 205 of 2023 prior to the registration of the case by the informant of the present case. The petitioner himself sustained four injuries and two such injuries are on the head of the petitioner. Other family members of the petitioner have also sustained injury. The injuries of the petitioner side remain explained. The petitioner is having clean antecedent and aged 68 years.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the injury report of the informant mentioned that he has mild scalp swelling on frontal bone on left side with patchy sub-cortical white matter hypo-density



noted in bilateral fronto-parietal lobe. However, learned counsel concedes that no injury has been mentioned on the head in the injury report.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the earlier counter version of the petitioner and further considering the absence of injury attributed to the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Madhubani/concerned court in connection with Basopatti P.S. Case No. 206 of 2023, 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 petitioner.
- (ii) The petitioner 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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