

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54741 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Bikrama Rai Son of Late Darap Rai Resident of Vill- Bano, P.S.- Baikunthpur, District- Gopalganj
2. Deva Rai @Amar Kumar @ Deva Kumar Son of Bikrama Rai Resident of Vill- Bano, P.S.- Baikunthpur, District- Gopalganj
3. Chandrika Rai Son of Devnandan Rai Resident of Vill- Bano, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachina, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 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 Baikunthpur P.S. Case No. 328 of 2023, registered on 21.09.2023 for the offences under Sections 341, 323, 504, 325, 324, 506, 307/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant with *rod* and *Tangi*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case in the background of land dispute as son of petitioner no. 1 has lodged Baikunthpur P.S. Case No. 329 of 2023 under Sections 307, 385 and other minor sections of the IPC against the informant and others. The informant side tried to capture the land of the petitioners and also demanded extortion. The petitioner no. 1 received injury in his leg which got fractured by the assault of the informant side. Learned counsel further submits that though there is allegation against petitioner no. 1 for hitting the informant on his head by rod but no such injury has been reported in the injury report as one injury on forehead has been found to be caused by sharp edge object and another injury is pain and swelling in left shoulder and fracture of terminal end of left clavicle was found and this injury was found to be grievous. Injury on forehead has been found to be simple. Learned counsel further submits that petitioner no. 1 has criminal antecedent of five cases and in two such cases he has been acquitted and he is on bail in other two cases and in another one case prayer for bail of petitioner no. 1 as well as other petitioners is pending before a Co-ordinate Bench.

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 version in the background of land dispute and also considering the injury received by petitioner no. 1, 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, Gopalganj/concerned court in connection with Baikunthpur P.S. Case No. 328 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 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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