

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47489 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- ALOULI District- Khagaria

1. Makaradhar Singh Son Of Late Ramdeo Singh Resident Of Village - Rampur Alouli, Ward No. 03, P.S. - Alouli, Khagaria, Bihar
2. Mitesh Kumar Son Of Makaradhar Singh Resident Of Village - Rampur Alouli, Ward No. 03, P.S. - Alouli, Khagaria, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Rabish Kumar, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Alouli P.S. Case No. 83 of 2024 dated 06.03.2024 registered for the offences punishable u/ss 341, 323, 325, 307, 354, 379, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant's elder brother, Suresh Prasad Singh was getting the outer wall of his house plastered then the petitioners and the co-accused person holding deadly weapons came and assaulted him with intent to kill. The co-accused, Nitish Kumar and the petitioner,



Mitesh Kumar assaulted on the head of the informant's brother with spade causing injury and when he fell down then the petitioner Makaradhar Singh assaulted him with lathi on his backbone causing injury. When the informant's son tried to rescue, the petitioner, Mitesh Kumar assaulted him with a spade and injured him. It is also alleged that the petitioner, Makaradhar Singh also assaulted the informant's son with a lathi on his nose causing injury. When the informant and his wife came to rescue, they were also assaulted by the accused persons and injured them. The accused persons snatched earring worth Rs. 30,000/- from the informant's wife and the petitioner, Makaradhar Singh took Rs. 30,000/- from the jacket of the informant's brother. Thereafter, they fled away from the place of occurrence.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 03.03.2024 but the F.I.R. was lodged on 06.03.2024 after delay of 4 days without any explanation. The petitioners, the informant and the victims are brothers and uncles. They live together and there is a land dispute between the parties. A supplementary affidavit filed on behalf of the petitioners



regarding the injuries of the informant's side indicates that the informant himself did not sustain any injury. During the investigation, it was transpired that only two people sustained injuries, the wife of the informant whose injury is minor and simple and the son of the informant, whose injury is described as grievous without any specific dimensions on his nose. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 14.05.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the informant's son sustained grievous injury which is evident from the injury report of the victim.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria in connection with Alouli P.S. Case No. 83 of 2024 with the condition :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bond of the petitioners is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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