

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50157 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

1. Sattar Miya, Son of Sukul Miya
2. Sukul Miya, Son of Late Elahi Miya
Both are residents of village- Betari, P.S.- Bhabhua, District- Kaimur
3. Rashid Ansari, Son of Najabu Miya, R/O Village- Ruppur, P.S.- Bhabhua,
District- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata, 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 Bhabua P.S. Case No. 52 of 2024, registered for the alleged offences under Sections 341, 323, 326, 379, 504 & 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons came to the doors of the informant and started hurling abuses. When the informant forbade them, they started assaulting her with legs and fists. When the daughter of the informant came for her rescue, she was also assaulted and the co-accused persons snatched gold ornament from the



informant. Further allegation against the petitioner no.2 and co-accused Meena Khatoon is that they assaulted the informant with *pahsul* causing amputation of her finger.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence took place in the background of quarrel between the children of two sides. There is allegation against the petitioner no.2 and co-accused for assaulting the informant with chopper, but the said allegation is falsified from the injury report which shows informant received two injuries and both the injuries were found simple in nature and no injury report of daughter of the informant has been produced. The learned counsel further submits that the injury report also shows the injuries have been caused by hard and blunt object. No offence under Section 326 IPC is made out in the light of injury report and Section 379 IPC is super addition. The petitioners are having clean antecedent.

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 superficial nature of injuries and further considering the



possibility of false implication and clean antecedent of the petitioners, 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 Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No. 52 of 2024, 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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