

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51779 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- BHANGWANPUR HAT District- Siwan

1.

Ram Kumar Giri Son of Late Mahabir Giri Reisdent of Vill- Bhikhampur, P.S.- Bhagwanpur Hat, District- Siwan
2.

Jitendra Kumar Giri @ Jitendra Kumar Son of Ram Kumar Giri Reisdent of Vill- Bhikhampur, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

221-08-2024

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bhagwanpur Hat P.S. Case No. 148 of 2024 registered on 21.04.2024 for the alleged offences under Sections 147, 341, 447, 323, 325, 307 and 504 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons who were variously armed assaulted the informant and her family members causing a number of injuries to them. Allegation against petitioner no. 1 is of causing fracture of left hand of the informant and against petitioner no. 2 there is allegation of causing an injury on the head of the son of the

informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Due to land dispute, a free fight took place between two sides and petitioner side has also received injuries and Bhagwanpur Hat P.S. Case No. 158 of 2024 was instituted by petitioner no. 1 for the occurrence of the same date. The petitioner and informant side are agnates and due to land dispute the present case has been lodged. The injuries for which allegation is against the petitioners are non-serious. The injury of Jaglal Giri is merely a lacerated wound of superficial nature on his head with pain in left shoulder and the nature of injury is stated to be simple. Due to fracture of left forearm of the informant her injury has been opined to be grievous but the same is not on any vital part of the body. Learned counsel further submits that petitioners are having fair antecedent.

05. Learned A.P.P. for the State and learned counsel for the informant opposes the submission made on behalf of the learned counsel for the petitioners. Learned counsel for the informant submits that there is specific allegation against the petitioners for causing injuries to the informant and her son and corroborative injuries have been found.

06. Having regard to the facts and circumstances and

submission made on behalf of the parties and considering the case and counter case and further considering non-serious nature of injuries of the victims and also considering probability of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Siwan in connection with Bhagwanpur Hat P.S. Case No. 148 of 2024, subject to the condition 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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