

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53686 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- BUNIYAD GANJ District- Gaya

1. Mantu Bharti S/O Ashok Bharti R/O Village- Kukiyaheen, Post- Biju Bigha, P.S- Buniyadganj, Distt.- Gaya.
2. Vikash Bharti S/O Ashok Bharti R/O Village- Kukiyaheen, Post- Biju Bigha, P.S- Buniyadganj, Distt.- Gaya.
3. Jitu Bharti @ Jitu Kumar S/O Ashok Bharti R/O Village- Kukiyaheen, Post- Biju Bigha, P.S- Buniyadganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman, APP
For the Informant	:	Mr. Ujjawal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 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 Buniyadganj P.S. Case No. 01 of 2024, registered on 02.01.2024 for the offences under Sections 147, 149, 448, 427, 323, 307 and 379 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused persons, in the background of land dispute, started storing stone chips and bricks in the land of the informant and when the police came and had been taking away the co-accused persons, the petitioners and other co-accused persons attacked and damaged the house of the informant and assaulted the



informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is counter version and petitioner no. 1 has lodged Buniyadganj P.S. Case No. 02 of 2024 against the informant side for assaulting them in the background of land dispute. Petitioner nos. 1 and 2 received injuries on their head and injuries have not been explained if the allegation of informant is taken to be true. Though there is allegation of causing injury on Ajay Bharti with Farsa but the injuries on Ajay Bharti are lacerated wound on scalp of size 2"x1/2"x1/2", another lacerated wound on left elbow of size 1/4"x1/4"x1/4" apart from swelling and lacerated wound on middle finger of left hand. Therefore, the allegation of causing fracture of head in two parts of victim Ajay Bharti by Farsa is completely false. Other victims namely, Akash Kumar, Vishal Kumar, Aditya Bharti and Renu Devi have received injuries which are bodyache, lacerated wound on scalp frontal head of size 1/2"x1/8"x1/8", lacerated wound on left dorsal palm of size 1/4"x1/8"x1/4" and swelling on dorsal palm of left hand, respectively, all caused by hard and blunt object. None of the injuries could be stated to be serious or life threatening. Learned



counsel further submits that there is land dispute and this fact is apparent from the FIR and the parties are agnates. The informant side caused serious injury to the petitioners side and in order to save themselves, they have lodged this false case. From the injuries it is also obvious that there could be no application of Section 307 IPC and allegation of theft is super addition. It is a case of minor scuffle and persons from both sides received injuries. Learned counsel further submits that the petitioners are having antecedent of five cases and they are on bail in all the cases.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners have brutally assaulted the family members of the informant causing a number of injuries to them and opinion has been reserved for some of the injuries. Learned counsel further submits that the petitioners are having criminal antecedent of four cases and petitioner no. 1 is having antecedent of five cases and the 5th case has been registered under Section 307 and other minor sections of the IPC.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the nature of injuries and further considering the background of land dispute, case and counter case between the parties and the possibility 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gaya/concerned court in connection with Buniyadganj P.S. Case No. 01 of 2024, 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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