

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50670 of 2024

Arising Out of PS. Case No.-8 Year-2023 Thana- PIPRIYA District- Lakhisarai

1. Bechan Sao Son Of Ajabi Saw Village- Basauna, Ps- Piparia, Dist- Lakhisarai
2. Lalo Sao Son Of Ranjan Sao Village- Basauna, Ps- Piparia, Dist- Lakhisarai
3. Pinku Sao Son Of Rajan Sao Village- Basauna, Ps- Piparia, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and
learned A.P.P for the State.

2. The petitioners apprehend their arrest in connection with Piparia P.S.Case No. 08 of 2023 dated 22.01.2023 instituted for the offence punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code

3. The prosecution case, in short, is that when the informant and his brother reached near his field, all the FIR named accused persons including the petitioners started abusing and assaulting with iron rod, lathi and danda and axe causing injury to them.

4. Learned counsel for the petitioners submitted that



the petitioners are innocent and have falsely been implicated in this case. It is submitted a complaint case bearing Complaint Case No. 680C of 2022 was also filed by the informant in the present case for the same offence in which the date of occurrence was 21.11.2022 and the present case has been lodged on 22.01.2023 in which cognizance has been taken under section 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code by the Judicial Magistrate, Lakhisarai. Learned counsel for the petitioners submitted that the occurrence took place on 21.11.22 and the FIR was lodged on 22.01.2023 after more than two months without giving any plausible explanation. It is further submitted that there is general and omnibus allegation against all the petitioners and no specific overt act has been levelled against the petitioners. It is further submitted that no case is made out under section 307 of the Indian Penal Code . It is further submitted that charge sheet has been submitted by the police against co-accused Rajesh Saw and cognizance has been taken under section 341, 323, 325, 504, 506/34 of the Indian Penal Code against Rajesh Saw. However no coercive step against the petitioners was ordered on 12.10.2024 by the concerned court. Later on 6.2.2024 the order of no coercive step was vacated. The petitioners have one criminal antecedent



which is lodged by the same informant as stated above.

5. Learned A.P.P for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties, in the event of arrest/ surrender of the petitioners within a period of six weeks from today, in connection with Piparia P.S.Case No. 08 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai or appropriate Court Below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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