

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55176 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- GARKHA District- Saran

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1. Dhaneshwar Rai, Son of Ram Kishun Rai, R/V- Village- Balhan Raghupur, P.S.- Garkha, Distt.- Saran
 2. Ram Kishun Rai, Son of Late Suraj Rai, R/V- Village- Balhan Raghupur, P.S.- Garkha, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Srivastva, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 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 Garkha P.S. Case No. 588 of 2023 registered for the alleged offences under Sections 341, 323, 307, 324 and 504/34 of the Indian Penal Code.

3. As per prosecution case, father of the informant received information from his niece about her in-laws assaulting her and trying to set her on fire. Father of the informant went to the matrimonial home of his niece where petitioner no.1 and co-accused Manish Kumar Rai caught hold of him and co-accused Suresh Rai gave sword blows on his head causing injuries to him.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no allegation against petitioner no.2 whereas allegation against petitioner no.1 is of catching hold of the father of the informant and co-accused giving sword blows. But the allegations are completely false and petitioners have no concern with the alleged occurrence and they have been made accused with *malafide* intention. Allegation of assault on the father of the informant is not against any of the petitioners. Petitioners are having criminal antecedent of one case.

5. Learned APP opposes the submissions made on behalf of the petitioners. Learned APP further submits that the father of the informant had received head injury and the same is stated to be grievous in nature and the injured was referred from Sadar Hospital, Chapra to P.M.C.H., Patna.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of assault against the petitioners and further considering 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/ court concerned in connection with Garkha P.S. Case No. 588 of 2023, 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.

(Arun Kumar Jha, J)

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