

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55028 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Dayanand Ram S/O Late Naudagar Ram R/O Vill-Hussainganj, Ps-Husainganj, Dist-Siwan Bihar
2. Gautam Ram @ Gautam Kumar S/O Saudagar Ram R/O Vill-Hussainganj, Ps-Husainganj, Dist-Siwan Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shovendra Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Husainganj P.S. Case No. 155 of 2024 registered for the alleged offences under Section 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons in order to grab the land of the informant tried to erect a hut over the said land. When it was opposed, they assaulted the informant and her family members with sword and iron rod causing injuries to them. They also took away *mangalsutra* and earrings.

04. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. The petitioners and informant side are agnates. For the occurrence of same date Hussainganj P.S. Case No. 156 of 2024 has been registered under Section 324 and other minor sections of the Indian Penal Code. Learned counsel further submits that though there is allegation of causing injuries by sword and the injury report of the victims Rina Devi and Priti Kumari shows a cut wound in right forehead of Rina Devi and a cut wound in right parietal region of head of Priti Kumari. But the doctor has opined that the injuries have been caused by hard and blunt substance and are simple in nature. Therefore, no offences under Section 307 of the Indian Penal Code is made out against the petitioners as the injuries are non-serious. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of any injury caused by sword and further considering case and counter case of the parties and the background of land dispute, 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 A.C.J.M.-IX, Siwan in connection with Husainganj P.S. Case No. 155 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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