

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56385 of 2024

Arising Out of PS. Case No.-242 Year-2022 Thana- BIBHUTIPUR District- Samastipur

1. Jagmohan Sahni @ Jagmohan Sahani S/o Singheshwar Sahani @ Singheshwar Sahni R/o vill - Patailiya, P.S. - Bibhutipur, Distt. - Samastipur
2. Ritesh Sahni @ Ritesh Kumar S/o Singheshwar Sahani @ Singheshwar Sahni R/o vill - Patailiya, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 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 Bibhutipur P.S. Case No. 242 of 2022 registered for the alleged offences under Section 341, 323, 325, 504, 506, 307, 448, 379 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons came to the house of the informant and abused and assaulted the informant, his wife, his son and one more person causing injuries to them.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation against the petitioners is of causing *daab*



injury on the head of the informant and spade injury on the head of the son of the informant. But the injury reports which have been discussed by the learned Sessions Judge in the rejection order did not show any injury of sharp or heavy weapon. Injuries are only lacerations of small sizes though nature of injuries have not been mentioned. Learned counsel further submits that the parties are agnates and there is an on going land dispute between the parties and an altercation took place between the parties which resulted in scuffle and a free fight took place in which persons from both the sides received injuries. The wife of petitioner no. 2 has filed Bibhutipur P.S. Case No. 256 of 2022 as the informant side attacked the house of the petitioners and caused injury to the wife of the petitioner no. 2. Learned counsel further submits that no motive have been cited in the F.I.R. and the allegations are not believable as neither any reason has been given for petitioners assaulting the informant and his family members. 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 injuries attributed to 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/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 242 of 2022, 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)

anuradha/-

U		T	
---	--	---	--

