

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58921 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- GUTHANI District- Siwan

Bhagwan Jee Rai Son of Late Bhavnath Rai Resident of Village - Goharua,
P.S.- Guthani, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Guthani P.S. Case No. 131 of 2024 dated 02.06.2024 instituted for the offence punishable under Sections 448, 341, 323, 325, 307, 504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 01.06.2024 at about 9 pm, the petitioner armed with iron rod, entered the house of the informant and started assaulting on his head, due to which he sustained injury on his head and also his hand got fractured. It is alleged that the petitioner also assaulted his wife due to which her hand also got fractured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner is advance aged person. The informant is cousin of the petitioner and he wants to grab the house and property of the petitioner as the petitioner is blessed with three daughters only and they are married and residing in their matrimonial house. As such, the informant wants to grab the share of the petitioner and for that reason, the present false case has been instituted. Learned counsel for the petitioner further submitted that the alleged occurrence took place on 01.06.2024 at about 9 pm but the information in this regard has been given to the police station by the informant and F.I.R. has been lodged on 02.06.2024 at about 18.15 hours i.e. after more than 21 hours. In fact, on the alleged date and time of occurrence, the informant along with his family members assaulted the petitioner. The informant pressed neck of the petitioner and they entered the house of the petitioner and taken away jewellery. For that, on the very same day, the petitioner submitted an application to the officer-in-charge Guthani police station. Due to assault made by the informant, the petitioner was treated in Primary Health Centre, Guthani from where he was referred to Siwan Sadar Hospital, which is apparent from medical report. Despite that the petitioner has not lodged the F.I.R. Learned counsel for the petitioner further submits that the allegation made in the F.I.R. is not supported by the injury report. As per the F.I.R., it has been



specifically alleged that the petitioner started assaulting with iron rod and on the head of the informant but the X-ray of the skull of the informant is normal. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Guthani P.S. Case No. 131 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C.,

(Khatim Reza, J)

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