

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61443 of 2024

Arising Out of PS. Case No.-340 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Kishori Lal Saraf, aged about 62 years, Male, Son of Late Yugul Sah Thathera.
 2. Vivek Kumar @ Vivek Kumar Saraf, aged about 34 years, Male, Son of Kishori Lal Saraf.
 3. Dhiraj Kumar @ Dhiru @ Dhiraj Kumar Saraf, aged about 31 years, Male, Son of Kishori Lal Saraf.
All resident of Village - Ghorasahan, P.S.- Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Rabish Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Ghorasahan P.S. Case No. 340 of 2022 instituted for the offences punishable under Sections 147, 341, 323, 324, 307, 379, 354(B), 337, 338, 504 and 506 of the Indian Penal Code.

3. As the prosecution case, all the accused persons named in the FIR including these petitioners and ten unknown



persons armed with Lathi, Fatta, Iron Rod and Iron Khanti came at the land of the informant with an intention to grab their land.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case due to dirty village politics. He further submits that the petitioners and informant are co-villagers and there is admitted land dispute attributed between the parties. There is case and counter case between the parties. He next submits that there are general and omnibus allegation attributed in the FIR, however the injury report of the injured are simple in nature. He submits that there is one day delay in lodging of the FIR without giving cogent reason. Petitioners have got several criminal antecedent as stated in para 3 of the petition.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail and submits that there are several materials available on record in the alleged crime.

6. From perusal of the FIR, injury report, case diary and also perused the impugned order dated 23.07.2024 passed by the learned Sessions Judge, East Champaran, Motihari, it appear that petitioners being named in the FIR.



Further, petitioners along with other co-accused persons, in furtherance of their common intention, assaulted the informant's, father, mother and brother. The injury report of the injured persons are mentioned in the case diary. Petitioners have several criminal antecedents as stated in para 3 of the case diary. It also appears that allegation against the petitioners are specific that petitioner no. 1 has nine criminal antecedent, petitioner no. 2 has five criminal antecedent and petitioner no. 3 has four criminal antecedent.

7. Considering the aforesaid facts and circumstances, materials available in the case diary as well as injury report of the injured that injuries are on vital part of the body, which may be dangerous for life and the fact that petitioners have serious and grievous nature of offence and complicity of the petitioners in the alleged commission of offence, I am not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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