

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72154 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- SONBERSA District- Sitamarhi

1. Rambabu Mahto S/O Late Ramautar Mahto R/O Village- Bhutahi, P.S- Sonbarsa, Distt.- Sitamarhi.
2. Prabhat Kumar S/O Rambabu Mahto R/O Village- Bhutahi, P.S- Sonbarsa, Distt.- Sitamarhi.
3. Govinda Kumar S/O Rambabu Mahto R/O Village- Bhutahi, P.S- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Advocate
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Learned counsel for the petitioners seeks permission to correct paragraph no. 3 in which petitioner no. 2 has been wrongly typed as in place of petitioner no 3 in the course of the day. Permission is granted.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners apprehend arrest in connection with Sonbarsa P.S. Case No. 237 of 2023 dated 25.07.2023, instituted for the offence punishable under Sections 307, 323, 324, 325/341, 506, 379/34 of the Indian Penal Code.

4. The prosecution case, in short, is that all accused persons named in the F.I.R. have barged into the house of the informant and assaulted him with fighter fist and also inflicted knife blow on his finger and head and also pointed a pistol upon



him due to which the informant sustained injuries on his scalp, finger, head etc and they also snatched Rs. 20,000/- from the informant's possession.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. This case has been lodged by the informant on 25.07.2023 on the basis of written complaint along with injury report, which is part of the F.I.R.. It is submitted that the injury report mentioned in the case diary differs from the injury report which is annexed in the F.I.R.. The injury report mentioned at paragraph 27 of the case diary is as follows:-

(i). Multiple stab wound on both hand, back shoulder and front forehead maximum girth in 1x1/2 with on forehead.

(ii). Pain and swelling on left shoulder.

(iii). Raccoon eyes

The nature of injury mentioned in the said injury report is grievous in nature caused by hard and blunt object. Whereas the injury report annexed to the *fardbeyan* is as follows:-

(i). Sharp cut 2 1/2" / 1/4" on the right side of forehead

(ii). Multiple stab wound on both hands

It is submitted that on comparison of said two injuries,



there is sharp difference between them. It is submitted that the informant is Up-Mukhiya of Gram Panchayat, Bhoothi. The petitioners are co-villagers. It is also submitted that there is no mention about time and date of occurrence in the said *fardbeyan*. Lastly, it has been submitted that petitioner no. 1 has three criminal cases against him, petitioner no. 2 has one case and petitioner no. 3 has no criminal antecedent.

6. Learned A.P.P. has opposed the prayer for bail of the petitioners.

7. 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 petitioners in connection with Sonbarsa P.S. Case No. 237 of 2023, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist, Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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