

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76914 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Md. Kuddus Son of Hajrat R/o vill - Khaziya Bitta Majrahat, P.S. - Singheshwar, District - Madhepura
2. Md. Mintu Son of Jiya @ Md. Jiya R/o vill - Jhitkiya, ward no. 6, P.S. - Singheshwar, District - Madhepura
3. Md. Kaiser @ Md. Kaiser Alam Son of Kamrujama @ Md. Kamrujama R/o vill - Jhitkiya, ward no. 4, P.S. - Singheshwar, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Singheshwar P.S. Case No. 279 of 2022, registered on 09.12.2022 for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other co-accused persons entered into the house of the informant and assaulted the family members with butt of country made pistol, rod, khanti, Bhala and spear. They also resorted to firing and a number of injuries were caused to the victims.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The whole story in the FIR appears to be absurd and not believable. There is no specific allegation against the petitioners except petitioner no. 1 and the allegations are only general and omnibus. But the injury reports of the victims show no observable external injury except swelling on one of the victims. Learned counsel further submits that there is no application of Section 307 IPC in the present case as there was no intention to cause death and there is no corresponding injury. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the specific allegation against the petitioner no. 1 is that he hit the victim with the butt of the country made pistol but he concedes that the injury report shows no external injury.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quite general and vague allegations against the petitioners and further considering the injury report which do not show any observable injury and also considering the possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura/concerned court in connection with Singheshwar P.S. Case No. 279 of 2022, subject to the condition as 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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