

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76176 of 2024

Arising Out of PS. Case No.-207 Year-2024 Thana- SHEKHPURA District- Sheikhpura

1. Sanjay Bind Son of Late Mohan Bind Resident of village -Kare, PS-Sheikhpura, District -Sheikhpura
2. Dudhlal Bind @ Dular Kumar @ Dudhlal Bind @ Dular Bind son of Sanjay Bind Resident of village -Kare, PS- Sheikhpura, District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

Mr. Rajnish Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-10-2024 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 Sheikhpura P.S. Case No. 207 of 2024, registered for the alleged offences under Sections 341, 323, 504, 506 and 307/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused persons snatched the grocery items from the informant while she has been returning from the shop and, thereafter, they assaulted her with iron rod, *lathi*, slaps and fists. When the family members of the informant came for her rescue, the



petitioners and other co-accused persons also assaulted them with *lathi* and *danda*. While running away from the spot, the accused persons took away the owner book of three vehicles and cash from the son of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence in the manner as alleged has ever taken place. There is a counter version of the same occurrence and mother of the petitioners has lodged Sheikhpura P.S. Case No.208 of 2024 under Sections 341, 323, 504, 506, 354(B), 307/34 IPC against the informant's side and from the counter version, the background of the dispute becomes clear. A family member of the informant of this case was consuming liquor and assaulted the mother of the petitioners under the influence of liquor and due to this fact, a free-fight took place between two groups. The injury reports of the injured persons show they have received only simple injuries except for injury of husband of the informant as opinion has been reserved with regard to his injury. The learned counsel further submits that there was no intention to cause death and injuries are merely laceration, pain right check and backache. The learned counsel further submits that from the aforesaid facts and circumstances of the case, no



offence under Section 307 IPC is made out against the petitioners. Petitioner no.1 is having criminal antecedent of one case in which he is on bail whereas petitioner no.2 is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the non-serious nature of injuries as disclosed from the injury reports 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 207 of 2024, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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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