

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78150 of 2023

Arising Out of PS. Case No.-122 Year-2021 Thana- OBRA District- Aurangabad

1. Radheshyam Mahto @ Radheshyam Singh Son Of Late Rameshwar Singh Resident Of Village - Bajitpur Manora, P.S. - Obra, District - Aurangabad
2. Rajeshwari Devi @ Rameshwari Devi Wife Of Radheshyam Mahto @ Radheshyam Singh Resident Of Village - Bajitpur Manora, P.S. - Obra, District - Aurangabad
3. Amitesh Kumar Son Of Radheshyam Mahto @ Radheshyam Singh Resident Of Village - Bajitpur Manora, P.S. - Obra, District - Aurangabad
4. Bhupesh Kumar Son Of Radheshyam Mahto @ Radheshyam Singh Resident Of Village - Bajitpur Manora, P.S. - Obra, District - Aurangabad
5. Ramvijay Kumar @ Ranvijay Mahto Son Of Dineshwar Mahto Resident Of Village - Bajitpur Manora, P.S. - Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-03-2024 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 Obra P.S. Case No. 122 of 2021, registered on 09.06.2021 for the offences under Sections 147, 149, 341, 323, 324, 307, 354, 504, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused abused and assaulted the informant and his family



members and they also threatened them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegations are most general, vague and omnibus. Bare perusal of FIR shows there is no disclosure about who assaulted whom and with which weapon and whether victims got treated or not. All the petitioners are members of the same family and they have been made accused in this case in retaliation of the case lodged by petitioner no. 1 vide Obra P.S. Case No. 121 of 2021 registered under Section 307 and other allied sections of the IPC. The petitioners have clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the injury report shows informant received one lacerated wound on right hand and his wife has also received lacerated wound on right hand and abrasion on left hand and the injury of the wife of the informant is stated to be grievous.

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 also considering the non-serious nature of injury which is not any vital party and further 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 S.D.J.M., Daudnagar, Aurangabad/concerned court in connection with Obra P.S. Case No. 122 of 2021, 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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