

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80431 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- SURSAND District- Sitamarhi

Samat Lal Rai Son of Jugga Rai Resident of Village- Sundarpur, P.S.-
Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sursand P.S. Case No. 238 of 2024, registered for the alleged offences under Sections 447, 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3/4 of Witch Craft Practices Act.

3. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant and assaulted the mother and father of the informant. Allegation against the petitioner is that of giving *dabiya* blow on the head of the father of the informant who sustained grievous injury. On alarm being raised by the mother of the informant, the petitioner and other co-accused persons fled away from the spot.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant's side are agnates having common ancestors and land dispute is admitted. No occurrence as alleged has ever taken place and subsequently the matter has been settled between the parties after compromise has been effected and the compromise petition has been filed before the learned trial court and the injured swore an affidavit stating that he suffered injuries as a heavy branch of mango tree fell upon his head while he and his wife were sleeping in their *khalihan* for guarding their mango orchard. Learned counsel further submits that even the informant has stated that he was not present at the place of occurrence and he was at some other place and on saying of others, the petitioner and others were named for the alleged occurrence. The petitioner is in custody since 09.08.2024 and is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the later statement of the informant as well as the victim and further considering the doubtful nature of allegation against the



petitioner and also considering his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi, in connection with Sursand P.S. Case No. 238 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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