

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81789 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Murari Ram Son of Laljit Ram Resident of Village- Dhobwal P.S -Vijaipur District-Gopalganj
2. Arun Ram son of Jaymangal Ram Resident Village- Dhobwal P.S -Vijaipur District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey, APP
For the Informant	:	Mr. Dipak Kumar, Advocate
		Mr. Madhuresh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners seek bail in connection with Vijaipur P.S. Case No. 223 of 2023, registered on 30.07.2023 for the alleged offences under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons who were armed with *Farsa*, *Garasa* and *iron rod* came to the doors of the informant and in the background of earlier dispute assaulted him with *Farsa* causing



fracture of the head of the informant. They also snatched gold chain worth Rs.40,000/- and mobile phone and also assaulted the mother of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners and other co-accused persons. Only one injury has been recorded in the injury report which is stated to be grievous and other injuries are bodyache. Learned counsel further submits that the allegation is false and concocted as FIR was lodged after four days of the occurrence. Though the allegation of assaulting the informant by five persons but only one injury has been found on the person of the informant. The injury report also shows the injury has been caused by hard and blunt object and no injury of any heavy and sharp weapon has been found. Learned counsel further submits that prior to the occurrence, Vijaipur P.S. Case No. 215 of 2023 has been lodged by mother of co-accused Briju under Sections 341, 323, 325, 354A, 452 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of SC/ST (POA) Act against the informant side. The petitioners are in custody since 11.08.2024 having clean antecedent and charge sheet has been submitted.



5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners have caused grievous injury on the head of the informant and the CT Scan shows fracture of left parietal bone apart from hemorrhagic contusion.

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 period of custody of the petitioners, submission of charge sheet and clean antecedent of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Gopalganj/concerned Court in connection with Vijaipur P.S. Case No. 223 of 2023, 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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