

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82393 of 2023

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

1. Harendra Sah Son of Kanhaiya Sah Resident of Village- Kowahi, P.S.- Uchkagaon District- Gopalganj
2. Prince Kumar @ Faleshwar Kumar Son of Harendra Sah Resident of Village- Kowahi, P.S.- Uchkagaon District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer Jha

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Uchkagaon P.S. Case No. 223 of 2023, registered on 16.06.2023 for the offences under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons surrounded the informant and assaulted him with knife and lathi and also snatched his gold chain. The occurrence took place in the background of previous enmity between the parties.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after much delay, for which there is no explanation. The date of occurrence is stated to be 7th of June, 2023, whereas FIR has been registered on 16th of June, 2023 without assigning any reason. The medical opinion falsifies the allegation made against the petitioners, as only one lacerated wound on forehead of the informant of size (1x1/2) inch was found and the same was caused by hard and blunt substance. The injury is stated to be simple in nature. Learned counsel further submits that the allegations against the petitioners have been made in the background of the fact that the daughter of petitioner no.1 has filed Complaint Case No. 1434 of 2023 before the Court of learned CJM, Gopalganj under Sections 147, 148, 149, 323, 452, 380, 354(a) and 354(b) of the IPC against the informant and six other persons, for the occurrence which took place on 6th of June, 2023 at 8 P.M., in which the informant tried to drag the daughter of petitioner no.1 towards a desolate spot and the informant, in order to save his skin and pressurize the petitioners, has lodged this false case. The petitioners are 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 previous dispute between the parties, also considering the simple nature of injury of the victim, 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.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj/concerned court in connection with Uckhagaon P.S. Case No. 223 of 2023, 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)

Amrendra/-

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