

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3538 of 2024

Arising Out of PS. Case No.-714 Year-2019 Thana- KHAGARIA District- Khagaria

1. Suresh Sah, Son of Late Shankar Sah Resident of Village-Bhadas Dakshini, P.S.-MUFFASIL, District-Khagaria
2. Ranjit Sah, Son of Shankar Sah Resident Of Village-Bhadas Dakshini, P.S.-MUFFASIL, District-Khagaria
3. Kamal Kishore Kumar, Son of Suresh Sah Resident of Village-Bhadas Dakshini, P.S.-MUFFASIL, District-Khagaria
4. Pintu Kumar, Son of Suresh Sah Resident of Village-Bhadas Dakshini, P.S.-MUFFASIL, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 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 Khagaria (Muffasil) P.S. Case No. 714 of 2019, registered on 11.09.2019 for the offences under Sections 341, 307, 324, 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his sons when they opposed the act of the accused persons in



constructing projection over their land while making their house. The petitioners were armed with rifle, gun etc.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. In the background of land dispute, free fight took place between the parties and both sides received injuries. However, the injuries of the informant and his sons are quite simple and the injury reports show swelling, abrasion and laceration on non-vital parts. It is further submitted that for the same occurrence, the petitioners' side earlier lodged Khagaria (Muffasil) P.S. Case No. 593 of 2019. The present FIR has been lodged on the basis of complaint petition and the said complaint petition was lodged after delay of 18 days, for which there is no explanation. 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 background of land dispute and case and counter case of the parties and further considering the non-serious and simple nature of injuries and possibility of false implication, let the petitioners above named, in the event of arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria/concerned court in connection with Khagaria (Muffasil) P.S. Case No. 714 of 2019, 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/-

U		T	
---	--	---	--

