

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7072 of 2024

Arising Out of PS. Case No.-3 Year-2017 Thana- PASRAHA District- Khagaria

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1. Uday Sah @ Uday Kumar Sah Son of Late Singheshwar Sah R/o vill - Narayanpur, P.S. - Bhawanipur, Distt. - Bhagalpur
 2. Tinkla Sah @ Tinkal Kumar Sah @ Ashish Kumar Son of Munna Sah R/o vill - Narayanpur, P.S. - Bhawanipur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

- 1 The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In this case, the petitioners are apprehending their arrest in connection with Pasraha P.S. Case No. 03 of 2017 registered for the offences under Sections 341, 323, 308, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other accused persons assaulted the informant with lathi, Danda and rod when he was planting tress in his land.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case on the background of land dispute. No occurrence as



alleged has ever taken place. There is general and specific allegation of assault against the petitioner. Injury report shows that all the injured persons sustained simple injuries. The petitioners are resident of Bhagalpur and the occurrence took place in the District of Khagaria and the petitioners have no concern with the alleged occurrence. There were no knowledge about the accusation of the petitioner in the present case. Learned counsel further submits that a number of accused persons have been granted anticipatory bail by the order dated 05.05.2017 through Cr. Misc. No. 11173 of 2017 and Cr. Misc. No. 11447 of 2017 by a co-ordinate bench of this Court. The petitioners are not having any criminal history.

5. Learned APP vehemently 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 non-specific nature of allegation against the petitioners, simple nature of injury and previous land dispute, 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) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate 1st class, Khagaria/court concerned in connection with Pasraha P.S. Case No. 03 of 2017, subject to the conditions 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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