

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7139 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- BELA District- Sitamarhi

1. Ramsaroop Raut @ Ramswarup Raut S/o Late Laxmi Raut Resident of Village - Bela Khurd, P.S. - Bela, District - Sitamarhi
2. Sumitra Devi W/o Ramsaroop Raut @ Ramswarup Resident of Village - Bela Khurd, P.S. - Bela, District - Sitamarhi
3. Sudha Kumari D/o Ramsaroop Raut @ Ramswarup Raut Resident of Village - Bela Khurd, P.S. - Bela, District - Sitamarhi
4. Sima Kumari D/o. Ramsaroop Raut @ Ramswarup Raut Resident of Village - Bela Khurd, P.S. - Bela, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioners are apprehending their arrest in connection with Bela P.S. Case No. 129 of 2023, registered for the alleged offence under Sections 341, 323, 324, 307, 379/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners assaulted the father of the informant with *lathi* and *danda*, causing serious injuries to him. When the informant and his mother tried to save him, they were also assaulted.

04. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners and the allegations are mostly general and omnibus. The injury reports show superficial injuries and all the injuries are stated to be simple. From the facts of the case, it is obvious that no offence under Section 307 and 379 of the IPC is made out against the petitioners. The occurrence took place in the background of the fact that informant was stealthy plucking mango from the orchard of the petitioners, which was opposed by the petitioner nos. 3 and 4 and they snatched a bag of mangoes from the informant. In that background, some altercation took place and consequently, the informant lodged this false case against the petitioners' side. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of specific allegation against the petitioners and also considering the non-serious nature of injuries, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount



each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi/concerned court in connection with Bela P.S. Case No. 129 of 2023, subject to the condition 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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