

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85769 of 2023

Arising Out of PS. Case No.-590 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Upendra Bind Son of Belas Bind R/O Village Akhalaspur, Ps- Bhabua, District - Kaimur At Bhabua
2. Deepak Bind Son of Late Babulal Bind R/O Village Akhalaspur, Ps- Bhabua, District - Kaimur At Bhabua
3. Kamendar Bind Son of Birendra Bind R/O Village Akhalaspur, Ps- Bhabua, District - Kaimur At Bhabua

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 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 Bhabhua P.S. Case No. 590 of 2023, registered on 27.06.2023 for the offences under Sections 341, 323, 307, 379 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant with rod and lathi as a result the informant became unconscious and considering the informant to be dead, the petitioners left him



taking away ₹30,000/- from the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. General and omnibus allegations have been levelled against the petitioners. No specific overt act has been attributed to any of the petitioners. In the prosecution case, reason behind occurrence has not been disclosed. In fact, some scuffle took place between the parties with regard to irrigation of land and the informant received injury after falling down on the earth. Though, there is allegation of causing injury against four accused persons, but only one injury has been found on the informant which was a diffused swelling on the left forearm and due to fracture, it has been said to be grievous in nature. Learned counsel further submits that petitioner no.1 is accused in two more cases and petitioner no.2 is accused in four more cases, whereas petitioner no.3 is 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 injury report not corroborating the allegation against the petitioners 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 Chief Judicial Magistrate, Kaimur at Bhabhua/concerned court in connection with Bhabua P.S. Case No. 590 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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