

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2635 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- TETERHAT District- Lakhisarai

1. Sitaram Bind, S/O Budhan Bind,
 2. Sonu Kumar, S/O Rupan Bind,
 3. Sachin Kumar, S/O Mushahru Bind
- All are residents of village- Gunsagar, P.S- Tetarhat, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Narsingh Tanti, Advocate
For the State	:	Mr.Ram Anurag Singh, APP
For the Informant	:	Mr. Umesh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Tetarhat P.S. Case No. 97 of 2023 registered for the alleged offences under Sections 341, 323, 324, 379, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, variously armed, came to the doors of the informant and assaulted the informant and his family members causing a number of injuries to them. They also took away some gold ornaments from the female family members of the informant.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties and co-accused Putul Devi has lodged Tetarhat P.S. Case No.98/2023 against the informant's side in which several persons from the petitioners' side have received injuries. The learned counsel further submits that the allegation against the petitioner no.1 is that he assaulted on the head of the informant with *Tangi*, the allegation against the petitioner no.2 is that he assaulted on the head of Santu Bind with *Barchi* and the allegation against the petitioner no.3 is that he assaulted on the head of Asharfi Bind and Santu Bind with *Farsa* and all three victims received injuries on their heads. But the injury reports of these three victims show injuries by hard and blunt substance and not by any sharp cutting or heavy cutting weapon. Further, all the injuries are stated to be simple in nature on the informant and grievous in nature on the other two victims. The learned counsel further submits that though there is direct allegation against these petitioner, but the same is not supported by the injury reports. The learned counsel further submits that the allegation of theft is ornamental. The petitioners have no criminal history.



5. Learned APP as well as the learned counsel appearing on behalf of the informant vehemently oppose the submissions made on behalf of the petitioners. The learned counsel for the informant submits that in the assault by the petitioners, a number of injuries were caused on the heads of the respective victims and this show the intention of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-corroborative injury report and possibility of false implication in the light of case and counter case between the parties, 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 bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Tetarhat P.S. Case No. 97 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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