

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.919 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Bihari Mistri S/O Late Beni Mistri R/o Village- Tilakpur, Ward No.- 02, P.S.-Alamnagar District- Madhepura
2. Vikash Mistri S/O Bihari Mistri R/o Village- Tilakpur, Ward No.- 02, P.S.-Alamnagar District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Alamnagar P.S. Case No. 226 of 2024, registered on 05.06.2024, for the alleged offences under Sections 448, 341, 323, 324, 307, 354(A), 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons, who were variously armed, started removing the wooden boundary of the house of the informant and when the informant opposed, the petitioner no. 2 assaulted the informant by means of country made *katta* on her head and



petitioner no. 1 assaulted the informant with iron rod, causing fracture of her head. When the husband of the informant intervened, he was also assaulted with rod, causing fracture of his head. The assailants took away gold ornaments worth of Rs. 57,000/- and cash of Rs. 30,000/- from the house of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the parties and the petitioners and the informant are agnates. The occurrence took place on 30.05.2024 and the FIR has been lodged on 05.06.2024 and there is no cogent explanation for inordinate delay in lodging the FIR. Though there is allegation against petitioner no. 1 for assaulting the informant with iron rod, no such assault was made and there is no specific allegation of assault against petitioner no. 2. Moreover, the injury report shows only one injury on left parietal region of informant of size 4"x1/2"x1/2" and opinion about the injury has been kept reserved. The injury of the husband of the informant is stated to be grievous apart from bilateral shoulder joint swelling and pain. However, the allegation of causing these injury are not against the petitioners. Learned counsel further submits that the petitioners are in



custody since 26.07.2024 and charge-sheet has been submitted.

The petitioners are having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the clean antecedent of the petitioners and submission of charge-sheet and also considering period of custody of the petitioners, the petitioners above named are directed to 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 Judicial Magistrate- 1st Class, Udakishunganj, District-Madhepura in connection with Alamnagar P.S. Case No. 226 of 2024, subject to the conditions mentioned in Section 437(3) 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

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