

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7123 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- PHULPARAS District- Madhubani

Ram Chandra Sah, S/O Late Uttim Lal Sah, R/O Village - Bahuarwa, P.S-
Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Phulparas P.S. Case No. 372 of 2024, registered for the offences under Sections 329 (4), 126 (2), 115 (2), 109, 352, 303(2), 351 (2), 351 (3), 3 (5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, in the background of land dispute, the petitioner and other co-accused persons, who were variously armed with *lathi*, *danda*, *khanti* and axe, dragged the informant's husband from his door and he was repeatedly assaulted by the petitioner by means of axe. When the informant tried to save him, she was also assaulted with axe on her head causing a bleeding injury. The informant received



14 stitches on her head, whereas her husband received 9 stitches.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is the own brother of the husband of the informant and admittedly, there is land dispute between them. The husband of the informant sold the share of his land, thereafter, tried to sell the land belonging to the petitioner. The petitioner then filed Title Suit No.09 of 2022 before the court of learned Sub Judge, Jhanjharpur and the same is pending for evidence. In this background, the informant has tried to falsely implicate the petitioner. The learned counsel further submits that the informant and her husband were examined by the doctor and the injury report shows no such injury as alleged. The injuries of the husband of the informant are laceration of size 4 cm x 1 cm x ½ cm in between thumb and index ginger of left hand and bruise of 2 cm x 1 cm in left arm and swelling 3 cm x 3 cm on forehead left side and the doctor opined the injuries to be simple in nature caused by hard and blunt substance, which falsifies the allegation against the petitioner. Similarly, only injury observed upon the informant is tenderness present over skull and the radiological report shows hairline fracture in right temporo-



parietal bone with overlying scalp swelling, but the nature of injury is stated to be simple. The learned counsel further submits that the petitioner is in custody since 14.09.2024 and charge sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the simple nature of injuries of the victims and further considering the absence of any sharp cut injury for causing of which allegation is against the petitioner and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to 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 Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani/concerned court, in connection with Phulparas P.S. Case No. 372 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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