

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17990 of 2020

Arising Out of PS. Case No.-58 Year-2019 Thana- BACHHWARA District- Begusarai

1. SANTOSH KUMAR @ SANTOSH KUMAR ISHWAR @ SANTOSH ISHWAR S/o late Rajendar Ishwar
2. Shivendra Kumar Ishwar @ Shivendra Ishwar S/o Late Baleshwar Ishwar
Both R/o village- Maranchi, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 05-06-2020 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 147, 149, 323, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 11.04.2019 at about 1:00 p.m., when he was sitting along with Devniti Ishwar and Dhananjay Ishwar, petitioners along with other accused persons came and started harvesting mustard crop from his field, and



assaulted with lathi and danda to the informant and others. It is further alleged that the petitioners fired bullet but it missed the target. They assaulted with butt of the pistol on shoulder causing injury. On hearing noise, when Sita Devi and Indu Devi reached there, the accused persons abused and assaulted them. The accused persons also threatened to kill them.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that petitioners are bona fide purchaser and owner of the land in question and having possession over it but the prosecution party used criminal force to dispossess the petitioners from the said land and due to that incident took place between them. It is further submitted that no firearm injury has been found over the body of the prosecution party. Petitioners have no criminal antecedent and they are in custody since 03.01.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bachhwara P.S. Case No. 58 of 2019, with following



conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

