

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28506 of 2020**

Arising Out of PS. Case No.-528 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. RAJGRIHI BIND S/o Ramdev Bind Resident of Village-Saray, P.S.-Mohania, District-Kaimur at Bhabua.
2. Shyamlal Bind S/o Kishun Bind Resident of Village-Saray, P.S.-Mohania, District-Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-12-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mohania P.S. Case No. 528 of 2019, G.R. No. 2620/19 registered for the offences punishable under Sections 147, 148, 149, 307, 323 and 337 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per prosecution case the petitioner no. 1 had assaulted the brother of the informant when the brother of the informant had gone to



graze his goat and his goat had grazed some crops of the petitioner no. 1. It is alleged that when the informant had gone to ask about the quarrel then the other co-accused including petitioner no. 2 being armed with Lathi and Farsa started assaulting the informant. It is then alleged that they also assaulted the father of the informant namely Khadbad Bind and other family members.

Learned counsel submits that from the allegations in the First Information Report it would appear that the initial scuffle had taken place between petitioner no. 1 and the younger brother of the informant on the grazing of the goat. It is then submitted that as per the F.I.R. altogether ten persons had surrounded the informant and then they entered into the house of the informant and these two petitioners are said to have assaulted the father of the informant by Farsa but from the injury report which is available at Annexure '4' series, it would appear that the father of the informant had suffered one injury on his head by hard and blunt objects which has been found to be grievous in nature, whereas other three injuries are in the nature of swelling and these three injuries have been found to be simple in nature.

Learned counsel submits that in fact the petitioner no.



1 had lodged first F.I.R. and the first F.I.R., copy of which is enclosed as Annexure '2', was lodged prior in time in which petitioner no. 1 has disclosed how he and his younger brother (petitioner no. 2) were assaulted by the informant's side of this case. Learned counsel has taken this Court through the injury reports of petitioner no. 1 & 2 and submitted that the petitioner no. 1 was assaulted on his head and has suffered grievous injury. Petitioner no. 2 has also suffered scalp injury in the right frontal region, however his injury has been found to be simple in nature.

It is submitted that in the given facts and circumstances of the case it is evident that the informant's side had got the goat entered in the crops of petitioners' side and then that is the reason of scuffle in which both these petitioners have been assaulted when they had gone to made complaint to the informant's side. The petitioners have otherwise no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case wherein the First Information Report prior in time was lodged by the petitioner no. 1 and the petitioner no. 1 has made specific allegation



against the father of the present informant and then petitioner no. 1 has also suffered grievous injury and petitioner no. 2 has also suffered injury on his head though simple in nature, in the nature of the dispute and the materials disclosed, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Mohania P.S. Case No. 528 of 2019, G.R. No. 2620/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Kaimur at Bhabua, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

