

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78735 of 2019

Arising Out of PS Case No.-85 Year-2019 Thana- GHOSHI District- Jehanabad

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1. Raushan Kumar, aged about 18 years (Male) Son of Upendra Yadav.
 2. Jaimala Devi, aged about 45 years (Female), Wife of Upendra Yadav.
 3. Upendra Yadav, aged about 50 years (Male), Son of Devnarayan Singh.
All resident of Village-Belai, PS Ghoshi, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta, Advocate
For the State : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mithlesh Kumar Gupta, learned counsel for the petitioners and Mr. Pancha Nand Pandit, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Ghoshi PS Case No. 85 of 2019 dated 09.03.2019, instituted under Sections 147, 341, 323, 379 and 307 of the Indian Penal Code.



4. The allegation against the petitioners is that they assaulted the informant, her husband, who is full brother of petitioner no. 3 and his father.

5. Learned counsel for the petitioners submitted that a supplementary affidavit has been filed on their behalf in terms of what has been noticed in the order dated 09.09.2020, with regard to his stand that petitioners were ready to settle the matter and live in peace as ultimately both the sides are closely related, they had gone to the house of the informant where the brother and father of the petitioner no. 3 were also present along with the informant, accompanied by the Deputy *Mukhiya* of the Gram Panchayat and a co-villager, on 12.09.2020. It was submitted that they had apologized and have assured that such quarrel would not be repeated. Learned counsel submitted that the parties have agreed to sort out their land dispute amicably through the aegis of the Panchayat. It was further submitted that the petitioners have no criminal antecedent. Moreover, it was submitted that the injuries are also simple in nature.

6. Learned APP, from the case diary, submitted that though witnesses have supported the prosecution version, since the parties have settled the matter, being close relatives, the Court



may take a lenient view. He also did not controvert the fact that the injuries were simple in nature.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge-Ist, Jehanabad in Ghoshi PS Case No. 85 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners and the bailors shall give undertaking and execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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