

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18524 of 2021

Arising Out of PS Case No.-891 Year-2020 Thana- FORBESGANJ District- Araria

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1. Chandan Bahardar, aged about 39 years, Male.
 2. Umesh Bahardar, aged about 45 years, Male.
Both are son of Basudeo Bahardar.
 3. Basudeo Bahardar, aged about 70 years, Male. Son of Late Lakhi Bahardar.
 4. Anita Devi, aged about 35 years, Female Wife of Chandan Bahardar.
All are resident of Village- Ghoraghat, Ward No. 01, PS- Forbesganj,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-06-2021

The matter has been heard *via* video conferencing.

2. The case has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioners yesterday, which was allowed.

3. Heard Mr. Ramesh Kumar Singh, learned counsel for the petitioners and Mr. Lakshmi Kant Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Forbesganj PS Case No. 891 of 2020 dated 20.10.2020, instituted



under Sections 341, 447, 323, 354, 354B, 379, 504, 506 and 325/34 of the Indian Penal Code.

5. The allegation against the petitioners is that they were forcibly trying to construct a ledge on the land of the informant which was objected due to which they assaulted her after dragging her out of the house and specifically against petitioner no. 1 is that he had torn her clothes and petitioner no. 2 is said to have snatched her silver chain worth Rs. 7,000/- from the neck and thereafter it is alleged that all the persons destroyed the fencing of her house.

6. Learned counsel for the petitioners submitted that both sides are branches of the same family and there is dispute with regard to demarcation of the ancestral property and the present case is a totally false and concocted one. It was submitted that though in the FIR, it has been stated that the informant received multiple injuries due to brutal assault, but the injury report, which is clear from the case diary at paragraph no. 15 itself, the same is only a lacerated wound on the right ankle joint $\frac{1}{2}$ cm x $\frac{1}{2}$ cm x $\frac{1}{2}$ cm caused by hard blunt substance. It was submitted that the petitioners are all family members and have no criminal antecedent.



7. Learned APP submitted that as per the allegation, there was brutal assault by all the parties. However, it was not controverted that if the injury report has been noted in paragraph no. 15 of the case diary, and is as above, the same does not corroborate the allegation in the FIR.

8. 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 Chief Judicial Magistrate, Araria in Forbesganj PS Case No. 891 of 2020, 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, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.



9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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