

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23364 of 2021

Arising Out of PS. Case No.-123 Year-2020 Thana- SONO District- Jamui

1. Kokil Sah, Son of Tulsi Sah @ Tulsi Saw, R/O Village- Budiyalapar, P.S.- Sono (CHARKAPATTHAR), District- Jamui
2. Suresh Sah, Son of Tulsi Sah @ Tulsi Saw, R/O Village- Budiyalapar, P.S.- Sono (CHARKAPATTHAR), District- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2021 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. Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sono (Charkapatthar) P.S. Case No. 123 of 2020 registered for the offence punishable under Section 147, 148, 149, 341, 342, 323, 354, 307, 504, 506 of the Indian Penal Code. He is in custody since 16.07.2020. The petitioners have otherwise no criminal antecedent.

Learned counsel for the petitioners submits that as per



the prosecution story while the informant's father-in-law was ploughing his field the accused persons came there lashed with deadly weapons on which the informant's father-in-law came to house due to fear and he was followed by the accused persons and they started asking for him and on refusal the informant was got down on the earth by catching her hair. It is alleged that on raising alarm by the informant petitioner no. 1 gave Tangi blow on her head and thereafter Shankar Sah gave Farsa blow on the head of Baijnath Sah causing injury on his head and repetition of blow hit on the hand. It is further alleged that Khusru Sah gave Tangi blow on the head of Paras Sah and petitioner no. 2 gave Tangi blow on the head of Mantu Sah which caused bleeding and Mantu Sah was again assaulted by lathi. It is also alleged that all others indulged in assault by lathi.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that due to land dispute between the families the present case has been lodged. It is submitted that injury report of the informant shows the injury caused by hard blunt substance whereas the allegation against the petitioner no. 1 is that he assaulted the informant by an axe. It is further submitted that injury caused to Mantu Sah by Tangi has been



attributed to petitioner no. 2 which has been found to be caused by hard blunt substance. The petitioners are in custody since 16.07.2020.

Mr. Narendra Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegedly the petitioner no. 1 had assaulted the informant by a Tangi and petitioner no. 2 has also assaulted one of the injured Mantu Sah by Tangi, the submission being that the cause of solitary injury caused to the informant is attributed to a hard blunt substance and not a Tangi and further there is no allegation of repetition of blow against the petitioner no. 1, the injury allegedly caused by petitioner no. 2 is simple in nature, both the petitioners have no criminal antecedent and they have remained in jail for one year and three months approximately, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Bharti Kumar, learned Judicial Magistrate 1st Class, Jamui in connection with Sono (Charkapatthar) P.S. Case No. 123 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

