

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26852 of 2020

Arising Out of PS. Case No.-146 Year-2019 Thana- DHURAIYA District- Banka

1. SANJAY SHARMA Son of Bindeshwari Sharma Resident of Village- Rangaon Bujurg, Police Station- Dhoraiya, District- Banka.
2. Md. Majrul @ Kaliya @ Kalia Son of Late Badruddin Resident of Village- Rangaon Bujurg, Police Station- Dhoraiya, District- Banka.
3. Bindeshwari Sharma Son of Late Chourasi Sharma Resident of Village- Rangaon Bujurg, Police Station- Dhoraiya, District- Banka.
4. Shoba Devi @ Shobha Devi Wife of Sanjay Sharma Resident of Village- Rangaon Bujurg, Police Station- Dhoraiya, District- Banka.
5. Jhunaki Davi W/o Bindeshwari Sharma Resident of Village- Rangaon Bujurg, Police Station- Dhoraiya, District- Banka.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Opposite Party/s : Mr. Abhay Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-02-2021 Heard learned counsel for the petitioners and Mr. Abhay Kumar No. 1, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Dhoraiya P.S. Case No. 146 of 2019 registered for the offence under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, these petitioners came at the door of the house of the informant and indulged in abusing. On protest



informant was assaulted by these petitioners.

Learned counsel submits that there is a case and counter case between the parties. Counter case being Dhoraiya P.S. Case No. 135 of 2019 has been lodged by petitioner no. 2 against the informant and others. There is a land dispute between the parties and the alleged injuries have been found to be simple in nature on the prosecution members.

Having regard to the facts and circumstances of the case, wherein parties have a land dispute and there is a case and counter case between the parties giving two different versions of story, the allegations are general in nature and are not disputed by learned A.P.P. for the State that all the injuries are simple in nature, there being a counter case as well, let the petitioners above named be released on bail in the event of their arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 146 of 2019 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

- (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 antecedents of these petitioners and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

