

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31639 of 2020**

Arising Out of PS. Case No.-116 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

1. Rajgrihi Mallah @ Rajgrihi Choudhary, aged about 33 years (Male), S/o Nathuni Mallah
2. Ashok Mallah @ Ashok Choudhary, aged about 37 years (Male), S/o Nathuni Mallah
3. Vinod Mallah @ Vinod Choudhary, aged about 30 years (Male), S/o Nathuni Mallah
4. Shambhu Mallah @ Shambhu Choudhary, aged about 28 years (Male), S/o Jaiprakash Mallah
5. Sanjay Mallah @ Sanjay Choudhary, aged about 26 years (Male), S/o Jaiprakash Mallah
6. Savitri Devi, aged about 41 years (Female), W/o Jaiprakash Mallah

All are Resident of Village-Ijari Sriram, P.S.-Buxar (M), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Arun Kumar Gupta, Advocate |
| For the State        | : | Mr. Jharkhandi Upadhyay, APP   |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 11-02-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Arun Kumar Gupta learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Buxar (Muffasil) PS Case No. 116 of 2020 dated 06.04.2020,



instituted under Sections 147/148/149/341/307/323/504/506 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioners and 11 others is that they were party to the assault on the informant side on 05.04.2020 and 06.04.2020, though it is specific against co-accused Brajesh Pal who is said to have given *lathi, danda* and rod blow on the son of the informant.

5. Learned counsel for the petitioners submitted that in the FIR it has been stated that there is land dispute and there was skirmish between the two sides for which Buxar (M) PS Case No. 117 of 2020 has also been lodged for the same occurrence on the same day by the accused side. Learned counsel submitted that the injury reports, copies of which have been brought on record, indicate that the same are simple and not on any vital organ. It was further submitted that the petitioners have no criminal antecedent and there is injury on their side also.

6. Learned APP submitted that the petitioners were also party to the assault, though he did not controvert that the same is general and omnibus in nature and that the injuries are 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 Chief Judicial Magistrate, Buxar in Buxar (Muffasil) PS Case No. 116 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 with regard to good behaviour, and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

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

**(Ahsanuddin Amanullah, J)**

Anjani/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

