

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31731 of 2020

Arising Out of PS Case No.-102 Year-2020 Thana- BASOPATTI District- Madhubani

1. Kapileshwar Ram, aged about 62 years, Male, Son of Shri Jailal Ram.
2. Jagarnath Ram, Male, aged about 63 years, Son of Late Haridev Ram.
Both residents of Village-Mehtarpatti, PS-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with Ms. Vaishnavi Singh, Advocates
For the State	:	Mr. Yogendra Kumar Singh, APP

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

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel for the petitioners and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Basopatti PS Case No. 102 of 2020 dated 29.05.2020, instituted under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners and six others had given repeated blows on the informant, his son and son-in-law due to some dispute with regard to putting up of *Nadi*.



4. Learned counsel for the petitioners submitted that though there is an allegation of repeated assault by sword, *farsa* and other weapons, but the injury report discloses only one wound at the back of the neck on one of the victims and another scratch on the back of the head and besides that there is no other injury. It was submitted that there is a counter case also and the genesis of the occurrence is that one of the injured i.e., the son-in-law of the informant had entered the house of the petitioners and tried to outrage the modesty of one of the womenfolk which led to some fight. Learned counsel submitted that the petitioner no. 1 is aged 62 years and petitioner no. 2 is 60 years which itself makes it highly improbable that they would also actively take part in the assault when other male members are already present and are alleged to have attacked the victim. Learned counsel submitted that the petitioners have no other criminal antecedent, being neighbour of the informant.

5. Learned APP submitted that the petitioners also took part in the assault. However, he could not controvert the fact that the injury discloses that only two injuries were found on the so called victim which does not corroborate the allegation that eight persons had given repeated blows with deadly weapons.



6. 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 Judicial Magistrate, First Class, Madhubani in Basopatti PS Case No. 102 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 of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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