

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33914 of 2020

Arising Out of PS Case No.-337 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Munnilal Sah, aged about 62 years, Male Son of Late Paras Sah.
2. Brijesh Sah, aged about 37 years, Male.
3. Dinesh Sah, aged about 32 years, Male, Petitioner no. 2 and 3 are Munnilal Sah.
All are Resident of Village- Sariswa Bazar, PS-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 24-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Majhauria PS Case No. 337 of 2018 dated 01.08.2018, instituted under Sections 341, 323, 324, 307, 447, 504 and 506/34 of the Indian Penal Code.



4. The allegation against the petitioners is of assault by bamboo (*Fatta*) on the nephew of the informant on his head and chest.

5. Learned counsel for the petitioners submitted that there was altercation between the parties who are neighbours due to land dispute and there is a counter case also and both the sides have received injuries. It was submitted that the injury on the part of the petitioners is grievous and more serious than the injury received by the informant in the present case. Learned counsel submitted that besides the petitioners having no criminal antecedent, the parties have compromised the matter and a joint compromise petition through their learned counsel has been filed before the Court below. It was submitted that because the said compromise was after filing of the present case, it has not been brought on record. However, learned counsel has read the compromise petition which discloses that the parties have chosen not to pursue the matter and have stated that peace has been restored between them.

6. Learned APP submitted that there is injury inflicted on the informant by the petitioners. However, with regard to the compromise and the injury also sustained by the petitioner's side, the same was not controverted by learned APP.



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, Bettiah, West Champaran in Majhauria PS Case No. 337 of 2018, 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 they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or undertaking and failure to cooperate shall lead to cancellation of their bail bonds.

8. 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.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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