

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37744 of 2020

Arising Out of PS. Case No.-272 Year-2020 Thana- BIDUPUR District- Vaishali

1. Fuleshwar Rai, aged 47 years, Male son of Hari Rai.
2. Sanjay Kumar @ Chunnu, aged 29 years, Male.
3. Braj Kishor Rai @ Munna, aged about 30 years, Male.
Both sons of Fuleshwar Rai, All Resident of Village- Kutubpur, PS Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP
For the Informant	:	Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Naresh Chandra Verma, learned counsel for the petitioners; Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Rakesh Kumar, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Bidupur PS Case No. 272 of 2020 dated 25.07.2020, instituted under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

4. The allegation against the petitioners and others is of assault on the informant and his son and also forcibly taking



thumb impression on plain papers as also snatching of gold chain and Rs. 15,000/- from the informant's son.

5. Learned counsel for the petitioners submitted that the informant is the full brother of petitioner no. 1 and there is land dispute between the parties. It was submitted that even as per the FIR, the allegation of attack by *farsa* on the head of the son of the informant is against co-accused Jitendra Kumar, who is not the petitioner in the present petition. It was submitted that the petitioner no. 1 is 100% blind, in support thereof, learned counsel drew the attention of the Court to Annexure-2, which is copy of such certificate issued by Dr. Rajendra Prasad Centre of Ophthalmic Sciences in the All India Institute of Medical Sciences, New Delhi dated 18.06.2009. Learned counsel submitted that against petitioners no. 2 and 3, the allegation is general and omnibus of assault on the informant with *lathi* and *danda* but no injury report has been produced in support thereof by the informant side. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that as per the allegation, the petitioner no. 1 was drunk and had come to the house of the informant and had abused him whereas petitioners no. 2 and 3 had assaulted the informant.



7. Learned counsel for the informant submitted that the petitioner no. 1 was the main cause for the incident and that the fact that the petitioners no. 2 and 3 had assaulted the informant and petitioner no. 2 had taken thumb impression on plain papers also is serious as any document can be created relating to land which would be detrimental to the interest of the informant as there is land dispute between the parties. However, it was not controverted that the specific allegation of attack by *farsa* on the head of the son of the informant is against another co-accused Jitendra Kumar and further that no injury report has been furnished by the informant side.

8. 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, Vaishali at Hajipur in Bidupur PS Case No. 272 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, 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 and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. 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.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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