

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37411 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- MAHESHKHUNT District- Khagaria

1. Sajjan Kumar Das @ Sarjan Kumar Das S/o Late Upendra Das R/o Village- Mansi Tola, Gauchhari, P.S.- Maheshkhut, District- Khagaria
2. Saroj Suman S/o Late Faudari Das R/o Village- Mansi Tola, Gauchhari, P.S.- Maheshkhut, District- Khagaria
3. Nibha Devi W/o Saroj Suman R/o Village- Mansi Tola, Gauchhari, P.S.- Maheshkhut, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad- Advocate
For the Informant	:	Mr. Binod Kumar- Advocate
For the Opposite Party/s	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-08-2021 Heard Mr. Siddhartha Prasad, the learned Advocate for the petitioners, Mr. Binod Kumar, the learned Advocate for the informant and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Maheshkhut P. S. Case No.59 of 2020, instituted for the offences under Sections 341, 323, 325, 354(B), 379, 504, 506/ 34 and 302 of the Indian Penal Code.

It is alleged in the F.I.R. by the son of the deceased that when the petitioner no.1 demanded certain goods from the shop of the father of the informant, he was reminded of his earlier dues which he had to clear. This enraged the petitioner



no.1 who assaulted the father of the informant by means of a hard and blunt substance. When his wife came to his rescue, petitioner nos.2 and 3 are said to have arrived at the place of occurrence. Petitioner no.2 is then said to have assaulted the father of the informant and petitioner no.3 tried to harm the mother of the informant (deceased) by a sharp cutting weapon.

The learned Advocate for the petitioners has submitted that the father of the informant has received simple injuries even though the accusation in the F.I.R. is that he was brutally assaulted leading to fracture of his hand.

So far as the petitioner no.3 is concerned, though there is an accusation against her of using a sharp cutting weapon to kill the deceased but the ante-mortem injuries reflect that she has died because of the assault by petitioner no.1. The petitioner no.1 is said to have assaulted the deceased by means of *lathi* on her head and chest.

It has further been submitted that though the motive for the occurrence in the F.I.R. is stated to be refusal of the father of the informant to give petitioner no.1 the article which he had demanded, but the fact of the matter is that the petitioners are agnates of the informant and the deceased and there had been a litigation between them with respect to



vacating the portion of the land in which the shop of the informant was situated.

During investigation, it has come to light that there was a *panchayati* between the parties and the informant was asked to vacate the shop on the demand of the petitioners. This fact has been corroborated by the statement of some of the witnesses which have been recorded in the case diary.

The learned Advocate for the informant on the other hand has submitted that there are two eye witnesses to the occurrence who have categorical talked about the assault by all the three petitioners.

Perused the F.I.R., the post mortem report and heard the arguments of the parties.

Regard being had to the fact that the deceased has died of injuries on her occipital region and on chest which is attributed to petitioner no.1, I am not inclined to grant bail to petitioner no.1.

The prayer for anticipatory bail of petitioner no.1 is rejected.

So far as the petitioner nos.2 and 3 are concerned, they are said to have assaulted the father of the informant and the deceased respectively. The petitioner no.3 is said to have



used a sharp cutting weapon but the death is not on account of any such injury which could be attributed to petitioner no.3.

Regard being had to the background facts of there being dispute with respect to vacating a portion of land belonging to the petitioners, petitioner nos.2 and 3, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Mr. Ankita Jaiswal, learned Judicial Magistrate, 1st Class, Khagaria in connection with Maheshkhunt P. S. Case No.59 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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